

फाइल संख्या

File No

खण्ड संख्या

Volume No.

915/11/c/2/2000-POL

11

भारत सरकार
GOVERNMENT OF INDIA
प्रधान मंत्री कार्यालय
PRIME MINISTER'S OFFICE

POLITICAL SECTION

अनुभाग/प्रभाग

SECTION/DIVISION

टिप्पणियां/पत्राचार

NOTES/CORRESPONDENCE

विषय
SUBJECT

Death / Disappearance of Netaji
Subhash Chandra Bose —
Justice Mukherjee Commission
of Inquiry reg.

अ. की सूचीकृत की गई
Initialed on

अ. आक्षर
Relialed

अ. लेख क/ख
Record A/B

अ. लेख ग में नष्ट किया जाए
Record C Destroy in

अ. प्रतीय नोट बुक में नोट किया जाए
Initialed नोट न किया जाए

To be noted in Sectional Note Book
Initialed to be noted

अ./अधीक्षक के आद्याक्षर
als of S.O./Supdt.

क के आद्याक्षर
als of Clerk

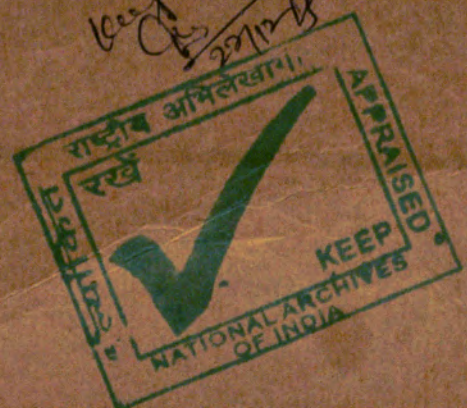
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Notes		Correspondence	
From	To	From	To
1	12	1	27

पिछले हवाले
Previous References

बाद के हवाले
Later References

Khosla Commission Report at Sm 3/c



FR
Smb. 5/c —
Reference MHA's O.M. placed below regarding production of documents to the Justice Mukherjee Commission.

Although no time frame has been indicated for the communication referred at para 1(I) of MHA's O.M., yet effort has been made to locate any related file relating to the incident of Air crash at Taipei, but could not lay our hands on the relevant document. Moreover, it is also not known whether the letter in question was addressed to Pt. Nehru in his personal capacity ^{or} as P.M. (after 15/8/1947)

With regard to document referred to at para I(ii) it may be submitted that no papers relating to the Khosla Commission of Inquiry could be located in PMO.

Copy of this O.M. has been shown to NGO section and it has been informally ascertained from them that the requisite documents are not available with them either.

In view of the foregoing, we may inform MHA accordingly, as in DFA, if approved.

Alok
(Alok Mukhopadhyay)
Under Secretary
15.01.01.

Dir(A)

may also like to see, before issue.
The hearing at Calcutta is on the 17th.
It approved in Mukhopadhyay, US (Pol)
may be sent to Calcutta to attend the hearing.

Link with main file.

JS (JI)

Dir(A) JS

US (Pol)

Mr Sen

Manjil
15/1

Jamaal Singh
15/1/2001 - 6/c-

Discussed with DIR(A).
Shri Lally, US (Pol) is being deputed to Kolkata to attend the hearing.

16/1

2/2
NGO Section

Time Bound

Internal

17/R ✓
Vide FR, the Ministry of Home Affairs have enclosed photocopies of five classified UO's written by this Office to Ministry of Home Affairs. Two UOs have been categorised as "Top Secret". The subject matter of the two communications is "Controversy regarding Netaji's death and bringing his ashes to India from Japan." It has already been decided, with the approval of JS(A) at page 17/N of Top Secret file No.G-16(4)/2000-NGO, that all notes/correspondence originating from PM's Office, copies of which have already been made available to the Mukherjee Commission appointed to enquire into the alleged disappearance of Netaji Subash Chandra Bose, may be declassified as confidential. The Commission may, however, use their discretion to make all/any of these documents public. 2. The above stand was conveyed to the Commission also. It may, however, be mentioned that we have claimed privilege, vide affidavits filed by JS(J) on 29.11.2000 (pages 153-161) and Shri N.K. Singh, then Secretary in this office, on 16.1.2001 (pages 223-227/C), in respect of the two Top Secret communications originating from MHA, since that Ministry had advised us that their Top Secret letters at Sl. No. 1 and 2 of para 2 of their U.O. dated 3rd November, 2000 (pages 66-67/C) may continue to be classified. Privilege was also claimed by us for the notes portion only (and not correspondence portion) on PMO files in which MHA Top Secret communications were examined. With regard to the correspondence portion, as already mentioned in para 1 of this note, these two Top Secret papers originating from PMO files, stand declassified as Confidential but the Commission may use its discretion to make any/all these communications public.

3. The above position may be intimated to Political Section for framing appropriate response to the communication received from the Ministry of Home Affairs after adding the position with regard to the other three communications enclosed with MHA U.O., referred to above.

सं.क्र. (एन.जी.ओ.)/PMO (NGO)
नं./Dy. No. 143/S. 2.0.1. ...
दिनांक/Date... 19/3/2001

Dir(A)

us(Pol)

19/3

[P.S. Lally]

Under Secretary(NGO)

3/m

PRIME MINISTER'S OFFICE

Pol. Section

17/R

PUC is a note from MHA enclosing a list of five (Top Secret/Secret) documents seeking our clarification whether security grading of these communications could be retained or other wise. The communications under question may be perused at Flag 'A'. This request has been made in connection with the supplementary Affidavit to be filed by Home Secretary in pursuance of the direction of the Justice Mukherjee Commission.(JMC).

2. Out of the five communications two belong to NGO Section (S.No. 2&3) and other three belong to Pol Section(S.No.1,4,5) So far as two Top Secret correspondence pertaining to NGO Section are concerned views of US(NGO) placed at flag 'B' may kindly be perused.

3. Regarding the 3 correspondence pertaining to Pol. Section, it may be submitted that photo copy of the relevant ^{*}file containing the correspondence at S.No.1 of the list, has already been made available to the Justice Mukherjee Commission(JMC) and in the Affidavit filed by this office it has been specifically mentioned that "documents/Notes which originated from the PM's office on the files already forwarded to the commission these may be treated as downgraded to "Confidential". Therefore the Security grading of PMO U.O. note No. 870/11/(P)/10/93-Pol dated 13.10.93 (S.No.1) may be treated as Confidential.

* FNO. 870/11/P/10/93 Pol

4. The remaining two Secret documents No. 805/11/C/13/95-Pol (Vol.II) dated 19/12/95 and 18/1/96(a reminder) relate to a proposal for DNA Analysis of the Ashes presumed to be of Netaji's. Inadvertantly these Papers had been lodged in a file pertaining to the "Birth centenary of Netaji Subhash Chandra Bose". Probably due to this reason this correspondence along with certain internal notes could not be located before sending documents to the Justice Mukherjee Commission(JMC). Hence, copy of the two documents in question have not been made available to the Commission by this office.(PMO). However, since the copy of subject documents are available with MHA in their file on which they intend to claim privilege, we may perhaps explain this position to MHA and also confirm that these two communications may also be treated as "Confidential" in consonance with the stand taken in the Affidavit filed by this office before the JMC.

It has been telephonically ascertained from DS(IS-I), MHA that they have sought extension of time for filing of supplementary Affidavit from the Commission till mid-April but confirmation from the Commission to this effect has not yet been received.

In view of the position explained above, if approved, we may inform MHA as in DFA.

[Alok Mukhopadhyay]
Under Secretary(Pol)

Dir(A)

may kindly approve draft placed below, which is in accordance with the stand taken by this Office in the past.

JS (CA)

JS (CA) 20/3/01

20/3/01

Aravind 20/3

561DIR(A) S 20/3

5/7

PRIME MINISTER'S OFFICE
POLITICAL SECTION

Reference our letter addressed to C.S., Orissa at S.No. 22/C.

In response to this letter, Govt. of Orissa vide their letter at p-41/C have conveyed their no objection in making available the Secret/confidential letters in question to the Justice Mukherjee Commission. But the State Govt. did not specify whether these classified letters in question could be declassified or not. Specific view of the State Govt. on this aspect has been invited vide this office letter at S.No. 46/C. But despite repeated reminders (S.No. 71/C & 72/C refer) no reply is forthcoming. For production of the letter in question to the Commission we need to have State Govt.'s categorical response in the matter.

Since considerable period has already passed and the requisite response is not forthcoming from the Govt. of Orissa, we may send a D.O. reminder from JS(A) to the C.S., Orissa as in DFA.

Alok
[Alok Mukhopadhyay]
Under Secretary (Pol)

23-3 2001

certain documents

Dir(A) while making available to the Commission, this Office had to downgrade / declassify them.

One letter written by the then CM Orissa also had to be similarly downgraded. Govt of Orissa was requested for n a, who informed us that the letter can be shown to the Commission, without clarifying whether it would be downgraded or not. Many reminders and telephonic conversations have not yielded any result.

JS(A) may like to remind, as per draft placed below.

JS(A)

23/3/2001

Charan
23/3
18/C

- 7 -

6/N

PRIME MINISTER'S OFFICE
POLITICAL SECTION

FR may kindly be seen.

Justice Mukherjee Commission of Inquiry has reiterated that a fresh Affidavit is to be made on the following points:-

- (a) Whether any of the files/records relevant to the terms of reference of this Commission has been destroyed;
- (b) If any such files/records have been destroyed :-
 - (i) the details thereof;
 - (ii) the reasons for such distractions;
 - (iii) the date when those were destroyed.
 - (iv) The place where those were destroyed;
 - (v) Whether Copies of the documents contained in those destroyed files/records have been kept or maintained and if not, the reasons thereof.

✓ F/A ✓ The issues raised above by the Commission had already been intimated to them vide this office Affidavit dated 29.11.2000. In para 10 of the Affidavit it had been clearly stated that file No.12/226/56. P.M. which contained Agenda. Paper cabinet decision regarding "Investigation into the circumstances leading to the death of Sh. S.C. Bose" it was destroyed in 1972 in the course of routine review weeding out of old records which was done as per extant instructions.

The similar information on this was also communicated to Sh. Tarkeshwar Pal, senior counsel to the GOI in Justice Mukherjee Commission.

In view of the position explained above we may inform the Commission that there is no need to file fresh Affidavit as the said information had already been communicated vide earlier Affidavit referred above.

If approved, we may send a reply as per DFA.

13/6

D-2(A)

J.S.J.

may please draft placed below -

Arora

14/6

28/10/05/13/6

P.T.O.

7/12

- 8 -

There is no harm in filing fresh affidavit covering these points. Please discuss.

~~Dir (A)~~

Discussed.

We may file another affidavit. Pl discuss.

Jamaling
14/6

Al
14/6

US (P/ol)

Discussed with DIR (A) on 19/6.

As desired, a draft Affidavit is placed below for approval pl.

~~DIR (A)~~ may kindly see.
Draft affidavit would also be shown to Moh, before we send it to the Commission.

Alor
21/6/01.

Aranya
22/6

JS (J)

~~Dir (A)~~

Aranya
25/6

Alor
22/6

US (P/ol)

Reference as above.

Fair u.v note addressed to the D/O Legal Affairs is placed below for signature if approved. We may perhaps send an interim reply to the Commission as in offer.

Alor
25/6

Alor
25/6

~~DIR (A)~~ Pl add signatures to draft Affidavit.

Aranya
25/6

US (P/ol)

needed done.

P-III

Alor
25/6

- 29/c -

u.v note to D/O Legal Affairs sent for issue
P-III

155(DIR(A))S/01
22/6

POLITICAL SECTION

Notes on page 7 & 8/N would recall the case.

✓ 29/c

Views of the Law Ministry was sought on the draft Affidavit to be filed in pursuance of the Commission's letter dated S.No.26/C(FR).

Law Ministry's comments may kindly be perused (PUC).

It may be mentioned that earlier two Affidavits had been vetted by the Law Ministry before filing [relevant PPs. are available in NGO].

Therefore, para(i) of the draft Affidavit has been worded on the same line. We have reiterated what had been stated in the last two Affidavits about the destruction of the records of this office pertaining to Netaji. However, as there is no specific document available with us to suggest whether the said destroyed file contained records pertaining to the terms of reference of the Commission or not, the clarification suggested by M/o Law at 'X' at para 2 of their note is perhaps not called for.

Other minor amendments suggested by M/o Law will be carried out.

Finally, as per Law Ministry's suggestion we may send the proposed draft Affidavit to our counsel before getting it vetted by the M/o Law, *if considered necessary.*

OSD(K)

Alok 4/7/01.
[Alok Mukhopadhyay]
Under Secretary(Pol)

Pal.

Discussed with OSD (K) yesterday.
In compliance with M/Law's
comments minor changes have
been carved out on the draft
Affidavit. Revised Draft Affidavit
is placed below. As desired, one
copy of the same will be sent
to our Counsel at Kolkata thro
FAX.

For information pl.

OSD (K) slightly amended. He has
may send to Law Dept. quickly. 6/7/01
R. P. N. Ver (6)

POLITICAL SECTION

Reference our note on p-8/N.

As per the suggestion of Deptt. of Legal Affairs (at S.No. 32/C) a copy of draft Affidavit was sent to our Counsel in the Commission at Kolkata.

2. Our Counsel has suggested certain minor amendments in the draft Affidavit. He has also advised addition of two more paras - para 3 and 4 of Counsel's letter at S.No.35/C refer.

3. While minor amendments suggested by the Counsel have been incorporated in the draft Affidavit, the necessity for inclusion of two new paras does not seem to be necessary because in Commission's letter dated 6.6.2001 no such requirement has been projected. Hence, Counsel's instance for inclusion of these 2 paras is not understandable. Moreover, inclusion of these two paras may unnecessarily complicate the Affidavit.

4. In this Context attention may also be drawn to Shri Pal's earlier two letter at S.No.73/R & 75/R wherein he had insisted for filing an Affidavit mentioning the same information. But the reasonability of the same was doubted in our note at P-26 & 27/N in the linked file. Thereafter, as per JS(J)'s direction, Dir(A) spoke to the Secretary, JMC who in turn, vide his letter at FR has asked us to file an Affidavit regarding destruction of relevant files/records. The proposed draft Affidavit is in pursuance of this letter from JMC.

5. In view of the position explained above, if approved, draft Affidavit in which ~~the~~ and certain amendments suggested ~~by~~ Law Ministry and certain amendments suggested by our counsel have been incorporated, be referred to D/o Legal Affairs for vetting as per the Draft u.o. note placed below.

Alok
[Alok Mukhopadhyay]
Under Secretary(Pol)

16.7.01.

OSD(K)

Discussed with US(Pol)
We may also seek views of D/o Legal Affairs on the two paras our Counsel wants to include - we may mention of this in the U.O.

7/OSD/K/S/O
16/7/01

US(Pol)

Shree 15/7

next page

10/11

from prepage.

Pol Section

Reference OSD(K)'s direction on prepage.

Revised u.o note is placed below for signature pl. if approved.

How
17.7.01

~~OSD(K)~~ as amended.

US(Pol)

For signature pl.

OSD(K)

How
17/7

Pol

our note on prepage would recall the case.

Draft Affidavit proposed to be filed before the Justice Mukherjee Commission was sent to M/o L.JEC (D/o legal affairs) for vetting. D/o Legal Affairs have opined that the Draft Affidavit "appears to be formally in order".

Regarding inclusion of two more paras in the Affidavit as suggested by our counsel, D/o legal affairs could not offer any view in the absence of proceedings of the Commission.

We may accept the above views of D/o legal Affairs and go ahead with the filing of the Affidavit at F/X after obtaining the approval of JS(J).

How
25/7/01

Draft Affidavit has been vetted by M.O.L also.

~~OSD(K)~~

May kindly approve.

J(J)

OSD(K), US(Pol) 25/7

How
25/7

6869/JS(J)/9
25/7

14/08/01/10/100
25/7

✓ PUC

Pal

Fair Affidavit is placed below
for signature of JS(J).

PS to JS(J) - has signed.

Aluk
26/7/01

Aluk
27/7/01

U/I

12/N

POLITICAL SECTION

FRI & FRI are two letters from Shri Tarakeshwar Pal, Senior Standing Council to GOI in JMC, Kolkata requesting this office to furnish Affidavit in the matters of Paragraphs 3(h) and 5(a) of FRI & II respectively.

These letters have already been examined by NGO Section vide their note at F/A.

With reference to the contents of the above referred two paragraphs, records of Political Section have been checked up but no additional material/records could be located. It may be pertinent to reiterate that photo copy of all relevant files available with this office, which might have relevance to the term of reference of the Commission, had been made available to the Commission vide our letters dated 4.7.2000 & 25.7.2000 (p-13/c & 17/c of the linked file refer).

Thus, it is evident that all available files pertaining to S.C. Bose and appointment of Enquiry Commission to go into the circumstance of the death had already been made available to the Commission and we have no additional information / new inputs to furnish with reference to Shri Pals' above referred letters at FRI & II. Therefore, before filing any Affidavit to this effect we may inform. Shri Pal of the position and ascertain whether this office need to furnish yet another Affidavit despite the fact that this office has no additional information/material/records to furnish with regard to paras 3(h) & 5(a) of Shri Pal's letters dated 1.8.2001 and 2.8.2001 respectively.

Alok
[Alok Mukhopadhyay]
Under Secretary(Pol)
24-08-01

~~Dir(RP)~~

~~JS(J)~~

24/8/2001

Yes please check up on telephone and follow it up by fax.

Dir(RP)

VS(PA.) 24/8

Jamaal Singh
24/8

JUSTICE MUKHERJEE COMMISSION OF INQUIRY
FOR INQUIRY INTO THE ALLEGED DISAPPEARANCE OF
NETAJI SUBHAS CHANDRA BOSE.
'B' Block, (Third Floor)
11/A Mirza Ghalib Street, Calcutta 700 087

Phone:

Chairman -- 216-2835
Secretary -- 216-2767
Officer on
Special Duty -- 216-2765
Office -- 216-2766/68

No. JMCI/Meeting-Proceedings
(Follow up)/48 (Vol II)/388

Calcutta, dated, the 6th Dec'2000.

From : Shri P.K.Sengupta, WBHJS (Retd).
Secretary

- To : 1) Secretary, Ministry of Defence, Govt. of India,
South Block, New Delhi-100011.
- 2) Secretary, Cabinet Secretariat, Rashtrapati Bhavan,
New Delhi-110004.
- 3) Director General, National Archives, Ministry of Human
Resource Development, Janpath, New Delhi - 110001.
- 4) Joint Secretary (Admn.) R. & A.W.
Bikanir House, Annexe, Room No.7, Sahajan Road,
New Delhi - 100011.
- 5) Secretary, Ministry of Home Affairs, Govt. of India,
North Block, New Delhi - 110001.
- 6) Secretary, P.M's Secretariat, South Block,
New Delhi - 110001.
- 7) Secretary, Ministry of External Affairs, Govt. of India,
South Block, New Delhi - 110001.
- 8) Secretary, Home Department, Govt. of West Bengal,
Writers' Buildings, Calcutta-700001.

Sub: Strict compliance with the orders/
directions contained in the
proceedings dated 23.11.2000 read
with the proceedings dated
23.03.2000, 13.06.2000, 31.8.2000,
and 28.09.2000 of Justice
Mukherjee Commission of Inquiry.

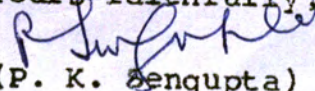
Sir,

I am sending herewith a copy of the proceedings dated
23.11.2000 of the Commission containing its orders and directions
for your perusal and compliance thereof as directed by the Commission.

Copies of the proceedings dated 23.03.2000, 13.06.2000,
31.08.2000 and 28.09.2000 of the Commission were sent to your
office earlier.

Encl: as stated above

copy may be given
to us (orgo). Am

Yours faithfully,

(P. K. Sengupta)
Secretary

Fax : 0091-033-216-2765

e-mail : jmcinsecb@cal3.vsnl.net.in

Copy given to Nuro Sec.

2

JUSTICE M.K. MUKHERJEE COMMISSION OF INQUIRY

Proceedings dated 23.11.2000 (Fifth)

Held at the Seminar Hall, Annexe Building, Mahajati Sadan,
166, Chittaranjan Avenue, Calcutta 700 007

A. EXAMINATION OF WITNESSES

November 23 2000

1. Of the witnesses summoned, Shri Suman Chattopadhyay, Shri Anindya Sengupta, Shri Barun Sengupta, Shri Pabitra Ghosh, Dr. Purabi Roy and Shri Jayanta Roy are present. Shri Suman Chattopadhyay, Shri Barun Sengupta, Shri Anindya Sengupta and Shri Pabitra Kumar Ghosh have been duly examined on oath as witness Nos. 6, 7, 8, and 9 respectively and then discharged. Some documents have been admitted into evidence and marked as Exhibits 6, 6a and 6a/1 on admission by the C.W.6, Exhibits 7 to 7w on admission by the C.W.7, Exhibit 8 on admission by C.W.8 and Exhibits 9 to 9m on admission by C.W.9, without any objection by any of the parties. The examination of Dr. Purabi Roy as C.W.10 is now taken up. In her examination she testifies that the statements that she made in her affidavit filed before the Commission are correct. Accordingly, the affidavit filed by her is marked Exhibit 10. However, her examination cannot be concluded as she intends to bring on record a number of documents for which no list is forthcoming and many of which are in Russian language. Dr. Roy is, therefore, asked to file a list of documents and the translated version in English of those written in Russian language, with a supporting affidavit that the translation has been done correctly and truly. To enable her to comply with the above directions, her further examination is deferred till the next hearing and she is asked to appear on that date. The suggestion of some of the parties present that the documents in Russian language be translated by some other translator and not by Dr. Roy, as she figures as an witness, will be considered if and when any genuine complaint is made about the authenticity of the translation. Examination of Sri Jayanta Roy is also deferred as from the affidavit filed by Dr. Roy it appears that he is supposed to corroborate her testimony.

2. The other witness summoned, namely, Smt. Probha Jagannathan, is not present though summons was duly sent by speedpost to her at her address as furnished to the Commission. Let fresh summons be served

asking her to appear on the next date of hearing. Let summons be also served upon Sri Jayanta Roy to appear on that date.

B. FURTHER ORDERS/DIRECTIONS/OBSERVATIONS

1. The prayer of Smt. Archana Ranjan, Director, Prime Minister's office, seeking 15 days' time to file a consolidated affidavit covering all the points mentioned in the proceedings of the Commission from time to time is allowed. The above office is directed to file the same by 10.12.2000 through an officer not below the rank of a Joint Secretary.
2. In spite of repeated directions, no representative of the Ministry of Home Affairs has yet come to identify the documents referred to in paragraph 3(b)(i) of the order dated September 28, 2000 and prove their authenticity.
3. The application filed by Shri Kamal Pandey, Secretary, Ministry of Home Affairs, Government of India claiming privilege under Sections 123 and 124 of the Evidence Act and Article 74(2) of the Constitution of India in respect of the contents of the files mentioned in paragraph B(ii) of the proceedings dated August 31, 2000 will be taken up for hearing in the next sitting.
4. The documents mentioned in paragraph 3(b)(iii) of the order dated September 28, 2000 have neither been produced nor any explanation offered for such failure.
5. The directions contained in paragraph C(i) of the order dated August 31, 2000 have not been fully complied with, in that, the complete original records of the proceedings of the Shah Nawaz Khan Committee of Inquiry including the evidence recorded and the documents produced before the said Committee have not yet been sent. However, four letters, one paper cutting, one printed copy of the report of the Committee, one partly torn copy of the statement of one Shri Mathura Malanga Thevor, MLA bearing some initials and one full signature purported to be of Shri Thevor, some photographs of witnesses and 407 pages, typed but unauthenticated, purporting to contain statements of some witnesses before the said Committee, were received earlier.

The Ministry of External Affairs have since sent photocopies of the following files.

1. File No. 25/4/NGO – Vol. I
2. File No. 25/4/NGO – Vol. II (LW-KW)
3. File No. 25/4/NGO – Vol. III (LW-Annx)
4. File No. 25/4/NGO – Vol. IV (LW-KW.i)
5. File No. 25/4/NGO – Vol. V (LW-KW I, II & III)
6. File No. 25/13/NGO – 52 (LW-KW)
7. File No. 25/14/NGO – 52
8. File No. 25/15/NGO – 52
9. File No. 25/16/NGO – 53

6(i) On March 23, 2000 the Commission directed the Government of West Bengal to produce all the files relating to Netaji Subhas Chandra Bose which were lying in the custody of the Special Branch, Calcutta Police including file No. 269/45 relating to 'Prisoner/Release – Revised Policy of Government, for the release of Security Prisoners' containing Memo. No. SS 129/SB dated 31st August, 1945 from the Commissioner of Police, Calcutta to H.S.E. Stevens, the then Chief Secretary, Government of Bengal, Express letter No. 1234 dated 25.8.1945 of Bengal Government and confidential note dated 3.9.1945 of D.R. Hardwick, D.I.G., I.B. In purported compliance of the above direction, the Government of West Bengal sent copies of 64 files along with lists thereof and also filed an affidavit dated July 28, 2000 through Shri Aloknath Bhattacharyya, Special Secretary to the Government of west Bengal, Home (Political) Department wherein it is stated, inter alia, as follows :

"8/ That the Government of West Bengal caused a thorough search in the offices of Special Branch, Calcutta Police, Intelligence Branch, West Bengal and State Archives; that there is no such file bearing No. 269/45 regarding "Prisoner/Release-Revised Policy of Government for the release of Security Prisoners" in the records of Calcutta Police; that File No. 269/45 (Prisoners/Release-Revised Policy of Government for the release of Security Prisoners) containing Memo. No. SS.129/SB dated 31st August, 1945 from the Commissioner of

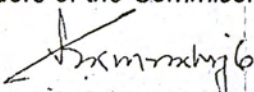
Police, Calcutta to H.S.E. Stevens, the then Chief Secretary Govt. of Bengal, express letter No. 1234 dated 25.8.45 of Bengal Government and Confidential note dated 3.9.45 of D.R. Hardwick, D.I.G., I.B. also do not figure in the Index Book of the Intelligence Branch, West Bengal; that there is no record preserved in the custody of State Archives relating to the disappearance of Netaji Subhas Chandra Bose and other papers connected thereto including copy of Bengal Government's express letter No. 1234 dated 25.8.45

Copies of correspondences of Commissioner of Police, Calcutta, Dy. Inspector General of Police, Intelligence Branch, West Bengal and Director of Archives, Higher Education (State Archives) Deptt. in this connection are annexed herewith as Annexure "A" collectively."

Thereafter, following further direction of the Commission, the Government of West Bengal produced the original Index Books relating to files maintained by the Special and Intelligent Branches of Police. On scrutiny of the said Index Books and the copies of files sent, the Commission directed the Government of West Bengal to produce copies of some more files reference of which was in the Index Books but not sent to the Commission earlier. In compliance with the above direction, the Government of West Bengal sent copies of 13 (thirteen) more files including File No. 269/45 which contained memos and Note referred to hereinbefore.

6(ii) From the above resume of facts, it is manifest that the earlier quoted statements made by Shri Alok Nath Bhattacharyya, in his affidavit filed on July 28, 2000 are not at all correct. Since, however, Shri Bhattacharyya claims in his above affidavit that those averments were made on the basis of information received from Shri D.C. Bajpai, Commissioner of Police, Calcutta, and Shri A.K. Sen, Deputy Inspector General of Police, I.B., West Bengal and has, in support thereof, annexed as part of his affidavit the copies of written communications from them in this respect, it is patently clear that the above two/responsible senior Police Officers furnished wrong information for onward communication to this Commission. The Commission therefore calls for the explanation of the above two Police Officers for furnishing such wrong information, by the next date of hearing.

7. Since the observations made by the Commission in Paragraph (e) of its proceedings dated 28.9.2000 have not been given due importance and priority they deserve, the Commission takes serious view of the matter and feels that time is now ripe to consider the question of invoking the powers under the provisions of section 5(4) of the Commission of Inquiry Act, 1952 for recurring non-compliance with the orders/directions of the Commission. In this connection, the attention of the authorities concerned is once more drawn to orders dated June 13, 2000, as quoted in paragraph 3(e) of the proceedings dated September 28, 2000 as also those communicated through various letters sent pursuant to the orders of the Commission.


(M.K. Mukherjee)
Chairman.

(2)

JUSTICE MUKHERJEE COMMISSION OF INQUIRY
FOR INQUIRY INTO THE ALLEGED DISAPPEARANCE OF
NETAJI SUBHAS CHANDRA BOSE.
'B' Block, (Third Floor)
11/A Mirza Ghalib Street, Calcutta 700 087

Phone:

Chairman -- 216-2835
Secretary -- 216-2767
Officer on
Special Duty -- 216-2765
Office -- 216-2766/68

No. JMCI/ Meeting-Hearing/99-2000/57/389 Calcutta, dated, the 6th Dec'2000.

By FAX

**From: Shri P.K.Sengupta, WBJHS (Retd).
Secretary.**

**To : Shri Jarnail Singh,
Joint Secretary,
Prime Minister's Office,
New Delhi- 110001.**

Sir,

With reference to your Affidavit dated November 29, 2000, I am directed to state that your claim of privilege as contained in the aforesaid Affidavit will be taken up during the next hearing of the Commission which is scheduled to be held on December 22, 2000, Friday, at 11.00 A.M. in the Seminar Hall, Annexe Building, Mahajati Sadan, 166, Chittaranjan Avenue, Calcutta-700007.

*64/c-
Fax was received
about 10 days back.
this recd today. 26/12*

Yours faithfully,

[Signature]
(P.K.Sengupta)
Secretary.

*Dr. (A)
27/12
us (Pot)
File
Mr. Sen
27/12*

8

प्रधान मंत्री कार्यालय
PRIME MINISTER'S OFFICE

नई दिल्ली-110 011
New Delhi-110 011

Enclosed please find for action as appropriate copy of letter dated 30.11.2000 addressed to PM by Shri Virendra H. Padte regarding Netaji Subhash Chandra Bose.


[Archana Ranjan]
Director

Ministry of Home Affairs (Sai V.P. Brahma)
(~~Shri A.K. Paitandy~~- Director (IS-I) US (D-IV) M)
PMO U.O. No. 915 11 C 2 2000-Pol Vol. III dated 2.1.2001

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has been transferred out.
This may go to the US
concerned*

original in vol. I

(3) 9

MINISTRY OF HOME AFFAIRS
IS DIVISION (US D.IV)

* * * * *

768/c (vol.I)

Prime Minister's Office may please refer to their U.O. No. 915/11/C/2/2000-Pol. dated 20th December, 2000 regarding files/report relating to Khosla Commission set up by this Ministry in 1970.

2. We have been able to locate 250 files which are related mostly to administrative and house keeping aspects of the Khosla Commission. Certain other Cabinet Notes which have been referred to by the Cabinet Secretariat as originating from this Ministry have already been examined and Prime Minister's Office already informed about their continued classification or de-classification. With regard to the files relating to the proceedings of the Khosla Commission, it may be stated that the same have already been handed over to Justice Mukherjee Commission of Inquiry for their perusal and appropriate use.

3. A photocopy of the report of the Khosla Commission is sent herewith as desired.

4. This issues with the approval of Joint Secretary (IS-I) in the Ministry of Home Affairs.

4/1
US (Pol) III

V.P. Bhatia
(V.P. BHATIA)

Under Secretary to the Govt. of India.

Prime Minister's Office (Smt. Archana Ranjan, Director), South Block, New Delhi.

MHA U.O.No. I-12014/13/2000-IS(D.III) dated 3.01.2001.

Encl : As above

*may be filed.
Dir (A) has seen it
in the dark stage.*

Mr Sen

*Am
5/1/01*

1095/Dir (A) 9/18



REPORT

OF THE

ONE-MAN COMMISSION OF INQUIRY

INTO

THE DISAPPEARANCE

OF

NETAJI SUBHAS CHANDRA BOSE

NEW DELHI

June 30, 1974

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12

ONE

NOTIFICATION

1.1 The order of the Government of India appointing this Commission is contained in the Notification cited below :

No. 25/14/70-Poll. II

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

New Delhi, the 11th July, 1970

NOTIFICATION

S.O. 2375.—WHEREAS the Shah Nawaz Khan Committee appointed by the Government of India in April, 1956, to inquire into and to report to the Government of India on the circumstances concerning the departure of Netaji Subhas Chandra Bose from Bangkok about the 16th August, 1945, his reported death as a result of an aircraft accident, and subsequent developments connected therewith, had come to the conclusion that Netaji Subhas Chandra Bose met his death in an air crash ;

AND WHEREAS there is a widespread feeling amongst the public that the problem of finding the truth about Netaji's death still remains ;

AND WHEREAS there has been a persistent demand for a further inquiry into the matter ;

AND WHEREAS the Central Government is of opinion that it is necessary to appoint a Commission of Inquiry for the purpose of making an inquiry into a definite matter of public importance, namely, the disappearance of Netaji Subhas Chandra Bose in 1945 ;

NOW, THEREFORE, in exercise of the powers conferred by Section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government hereby appoints a Commission of Inquiry consisting of Shri G. D. Khosla, Retired Chief Justice of the Punjab High Court, as sole member.

2. The Commission shall inquire into all the facts and circumstances relating to the disappearance of Netaji Subhas Chandra Bose in 1945 and the subsequent developments connected therewith and make its report to the Central Government. The Commission

will be expected to complete its inquiry and make its report by the 31st December, 1970.

3. The Central Government is of opinion that, having regard to the nature of the inquiry to be made and other circumstances of the case, all the provisions of sub-section (2), sub-section (3), sub-section (4) and sub-section (5) of Section 5 of the Commissions of Inquiry Act, 1952 (60 of 1952) should be made applicable to the said Commission and the Central Government hereby directs under sub-section (1) of the said section 5 that all the provisions aforesaid shall apply to the said Commission.

T. C. A. SRINIVASAVARDAN,
Joint Secretary.

To the above Notification may be added the following note prepared in the Ministry of Home Affairs, briefly stating the circumstances which led to the appointment of the present Commission :

"In April, 1956, in response to the public demand, Government of India appointed an inquiry Committee to ascertain the circumstances concerning Netaji's departure from Bangkok on August 15, 1945 and his alleged death in an air crash. The Committee consisted of the following :

- (1) Shri Shah Nawaz Khan, M. P., Parliamentary Secretary to the Minister of Railway and Transport;
- (2) Shri Suresh Chandra Bose, elder brother of Netaji Subhas Chandra Bose ; and
- (3) Shri S. N. Maitra, ICS, formerly Chief Commissioner, Andaman and Nicobar Islands.

The Committee examined a number of witnesses in Delhi, Calcutta, Bangkok, Saigon, Tourane and Tokyo. They also examined books and articles about Netaji Subhas Chandra Bose and studied relevant classified records pertaining to the matter.

2. After fully considering the evidence available two of the members (S/S Shah Nawaz Khan and S. N. Maitra) came to the conclusion that while taking off from Taihoku

(Formosa) in the afternoon of 18th August, 1945, the Japanese military plane carrying Netaji and his companion (one Col. Habibur Rehman) developed some trouble and burst into flames. Suffering from severe burns, Netaji was carried into the Taihoku Hospital, where, after some hours, he passed away. The third member of the Committee, Shri Suresh Chandra Bose, submitted a dissentient report, stating that there had been no plane crash involving Netaji's death. The majority report was accepted by the Government.

3. Since then there have been repeated demands for undertaking another inquiry into the matter. Rumours about Netaji's survival and whereabouts etc. have cropped up re-

peatedly. Several Members of Parliament also strongly pressed the demand for a fresh inquiry. The matter was considered by Government and it has been decided to appoint one-man Commission of Inquiry, consisting of a Judge of the Supreme Court or the High Court, to make a further inquiry into the circumstances relating to the alleged death of Netaji Subhas Chandra Bose."

- 1.2 The inquiry could not be completed within the period specified in the original Notification, and the term of the Commission was extended from time to time. On the completion of the inquiry, this report is being submitted for the information and consideration of the Government.

TWO

INTRODUCTORY

2.1 The story of Netaji Subhas Chandra Bose's life too well known to need a detailed and lengthy repetition in a report which must be confined to the subject matter of the inquiry as set out in the Notification cited in the previous chapter. The facts may be studied in a number of books and pamphlets, some of which are named in Appendix IV to this report. However, for the better understanding of the argument upon which are based the findings and the final conclusions of this Commission, it is necessary to state some of the more significant events of Bose's life.

2.2 Subhas Chandra Bose was born of Bengali parents at Cuttack, in Orissa, on January 23, 1897. He was sent to the Baptist Missionary School at an early age; and at the age of 16, he entered the Presidency College, Calcutta, to read Philosophy. Three years later, he was expelled for taking part in an assault on an English Lecturer who had been rude to a student, but he was later re-admitted to the University, and was allowed to continue his studies. In 1919, he was awarded the B. A. degree with First Class Honours in Philosophy. He then proceeded to Cambridge to study at the University, and to sit for the Indian Civil Service competitive examination. This he did in the autumn of 1920, and was placed fourth in order of merit among the successful candidates. He, however, decided to resign from the Indian Civil Service and to devote himself to political work in India. He, accordingly, returned to India in July 1921, and first of all, went to pay his respects to Mahatma Gandhi. Bose did not agree with Gandhiji's creed of non-violence. He considered the peaceful means advocated by Gandhiji totally ineffective for obtaining freedom from British bondage. He began working with C. R. Das on the *Forward* which was a nationalist newspaper. Towards the end of 1921, he attended Gandhiji's secret conference on the non-cooperation movement, and took a prominent part in the agitation against the Prince of Wales, who was then visiting India. He assumed the leadership of the Congress volunteers in this agitation. The civil disobedience movement began on 1-12-1921, and within a few days, Bose was arrested for taking part in it. He was

sentenced to 6 months imprisonment. C. R. Das was also sentenced at the same time, and Das and Bose were confined in the same jail. It was after his release, in September 1922, that Bose made his first political speech, but his public activity was not confined to making speeches, and he undertook relief work in the flooded region of Northern Bengal.

2.3 In April, 1924, Bose was elected Chief Executive Officer, Calcutta, when C. R. Das was elected Mayor. In this post, he acquired a great deal of experience in administrative and executive matters. But he felt somewhat deprived of contact with the public, and complained of being tied up in office files. Albeit, his post of Chief Executive Officer was not unimportant. It had not only a high status, but carried the handsome salary of Rs. 4,000 a month together with many perquisites, such as a free residential house and a motor-car. Bose, however, was not content to work in office; his public declarations brought him under the mischief of the Emergency Ordinance and in October, 1924, he was apprehended and detained without trial. Three months later, he was removed to Fort Mandalay in Burma. While in detention there, he meditated, read and grew mentally to maturity. On May 16, 1927, Bose was conditionally released from detention, on grounds of ill health. The condition imposed was that he should go to Switzerland for treatment without setting foot in India. Bose refused to comply with this condition, but the order of release was not withdrawn. In November, 1927, Bose was elected Chairman of the Bengal Provincial Congress Committee, and a little later, he was elected General Secretary of Congress along with Jawaharlal Nehru. In the following summer (1928), Bose became a member of the All Parties Committee which advocated dominion status for India. Neither Bose nor Nehru was, however, satisfied with this somewhat luke-warm and moderate demand, and they formed the Indian Independence League, aimed at working for the complete independence of India. At the Congress assembly, Bose commanded the parade of Congress volunteers, and made a great impression upon everyone by the disciplined character of the volunteers and his complete dominion over them.

2.4 In 1930, the full-scale civil disobedience movement, launched by Mahatma Gandhi, began. Within a short time, Bose was arrested and sentenced to one year's imprisonment. In Prison, as in his detention on the previous occasion, he read, wrote, meditated and prayed. In the course of a scuffle between prisoners and warders, he received injuries. Thereupon, he began a hunger strike. The authorities released him on September 25, 1930, and Bose found himself Mayor of Calcutta because the old Mayor had not been able to take the oath of office within the requisite period of six months. In the year following, Bose was elected Chairman of the All India Trade Union Congress. He was arrested for disobeying government orders when he visited a disturbed area in Bengal, and was imprisoned for 7 days. On January 26 of the same year, he was re-arrested for leading a demonstration on what had been named India's Independence Day. He was released in March, but in January 1932 he was re-arrested, along with a number of other Congressmen. A few weeks later, he was released on grounds of ill-health. He was suffering badly, and went to Vienna where he spent a little more than a fortnight in a sanatorium. In Vienna, Bose met Vithalbhai Patel who was also an invalid and had gone there for medical treatment. Bose and Patel conversed and discussed the political situation in India, and they issued a statement. Bose was opposed to Gandhiji's peaceful policies, and is alleged to have said: "Gandhi is an old, useless piece of furniture. He has done good service in his time, but is an obstacle now." Before his death in October 1933, Patel made Bose the trustee of his ideas and of a considerable sum of money intended for propagation, abroad, of knowledge about India. In the following year, Bose made an extensive tour of European countries, visiting Germany, Rome, Prague, Warsaw, Istanbul, Belgrade and Bucharest. He sponsored the formation of a Students' Association to help Indians in Europe. Bose continued to make political contacts, and met Dr. Benes several times. He met the Irish leader, De Valera, Romain Rolland, Hitler, Ribbentrop and others. He published his book *The Indian Struggle*, but the book was banned in India by the British Government.

2.5 At the end of 1934, Bose flew home to see his father who was dying, but arrived too late to see him alive. The following year, he returned to Europe in accordance with the terms of his release which did not permit his stay in India except for special reasons and upon specific permission having been accorded. He, however, tired of remaining in exile, and in March 1936 he declared that, despite the orders of the Government, he was returning to India. He landed at Bombay on April 8, 1936 and was immediately

arrested and interned in his brother's house near Darjeeling. He was released nearly a year later on March 17, 1937. He agreed to accept nomination as Congress President in 1938. He paid another visit to Europe in 1937 and met Attlee, Earnest Bevin and Stafford Cripps. He had now established himself as a person of national significance, and in Europe, he was sometimes ranked with Gandhi and Nehru.

2.6 In 1938, the 51st Session of the Congress was held at Haripur. Bose had been elected President, and this was his political coronation. In a car, drawn by 51 bullocks and fervently acclaimed by the public, he passed through 51 gates of honour which led to the *pandal* where the session was to be held. In the following year, Bose sought re-election as Congress President and stood against Gandhiji's nominee. His conflict with Gandhiji was now openly declared. Bose won by a small margin, but Gandhiji's feeling about Bose's conduct made it impossible for him to continue in office. Gandhiji had openly declared his displeasure and his unhappiness, saying that Bose's election was for him (Gandhiji) a personal defeat. He even hinted at retirement. Bose corresponded with Gandhiji, but the two could not come to any terms. Bose's colleagues in the Congress Committee, made it impossible for him to work, and feeling that he had been unjustly dealt with, he resigned. He founded the Forward Bloc, with the aim of consolidating all left-wing groups, so that thus united, they could effectively oppose the tendencies in the Congress towards too much constitutionalism, on the one hand, and dictatorship, on the other. His complaint was that though he had been elected President of the National Congress a second time by a democratic process, those who disagreed with him had intrigued against him. So now he condemned the Congress as a pernicious dictatorship not dissimilar to Hitler's regime in Germany. In July 1939, to protest against a particular Congress move, he called for country-wide demonstration. But so open a challenge could not be tolerated, and he was promptly suspended from Congress office for three years. The next Congress Session took place at Ramgarh in March, 1940. There also was held the Anti-compromise Conference which called for an immediate all India struggle for independence. Bose attended this Conference, and lent his weight to its deliberations. On July 2, 1940, he was arrested for organising a popular demonstration in Calcutta, and sentenced to a term of imprisonment.

2.7 The war in the West had by now increased in intensity and scope, and was going against the Allies. Bose wanted to be free, and to do something which should strike a blow against the British rule in India. He had recourse to a subterfuge by going on hunger

strike and saying that he would starve himself to death. His political status and his immense popularity with the people were factors which the British Government could not disregard, and it was feared that his death, or a serious impairment of his health might have dire consequences. So, the Government released him on December 5, 1940, and allowed him to go home; but he was told that he would be under house arrest. Bose recuperated from his indisposition quietly, and then went into retreat, declining to see or receive anyone except a few intimate friends. These friends noticed that Bose had grown a beard. On the evening of January 16, 1941, a car drew up near Bose's house, and Bose, disguised as a Muslim religious teacher, named Maulvi Ziauddin, slipped out. Accompanied by his nephew, Sisir Kumar, he drove some miles to a village, and thence moving by night, he reached Gomoh, 210 miles from Calcutta. At this place, he took the train for Peshawar, leaving his nephew behind. At Peshawar, he was met by one Bhagat Ram, and two days later, both men, disguised as Pathans, left for Kabul. After four days' travel through perilous tribal country, they reached Kabul, and took shelter in a lorry-drivers' inn. At Kabul, Bose tried to contact the Russian Embassy, but failed to gain access to it. He then sent Bhagat Ram to the Italian Legation. This proved more rewarding, and Bose was welcomed and promised a passport which would enable him to travel out of Afghanistan. But weeks were to pass while the formalities were being completed, and as the prolonged stay of the two men in the lorry-drivers' inn was causing suspicion among the inmates, they went to stay with Uttam Chand Malhotra. Finally, on March 18, 1941, Bose left for the Russian frontier with an Italian Passport in the name of Orlando Massotta, accompanied by couriers specially sent from Europe to fetch him.

2.8 Travelling in this manner, Bose reached Germany and was there received by Ribbentrop. He proposed to do anti-British propaganda from a secret radio in Germany, and asked for an Axis declaration on Indian independence. The Italians made an evasive reply and the Germans told him that such a declaration was premature. Feeling piqued and disappointed, Bose refused to broadcast, but he made approaches to the Indian prisoners of war to get their reaction to his proposal for organising an army to fight the Allies. His efforts, however, were not successful though many of the prisoners paid him the respect and homage due to a distinguished Indian leader. This was little more than lip-service, but, at least conveyed a measure of sympathy and agreement with Bose's aims. The German Government placed an office and funds at his disposal. Bose engaged 25 Indian assistants and set up the office of the Indian Independence League. His

presence gradually became known in Berlin, and the Indian acclaimed him at the parties he attended. It was at this time that he came to be known as Netaji, and the greeting *Jai Hind* was used for the first time.

2.9 The war in the East was now well advanced, and the Japanese proposed a tripartite declaration on India. They invited Bose to visit Japan, where he could rally Indian and Asian support for the Japanese effort. But, once again, Italy and Germany repelled the suggestion; Germany again saying that the idea was not acceptable as the time for such a political manoeuvre was not ripe. Bose was disappointed and felt that he had nothing further to expect from Germany and Italy. His hopes now rested on Japan and the effort in the Far East. He thought that with Japanese collaboration he would be able to rally the support of three million Indians residing in South-East Asia. He wrote a strong message to the Bangkok Conference, which was read there. At the same time he began to make plans to go to Japan. Finally on February 8, 1943, he and Abid Hussain left Kiel in a German U-boat. The boat swept out to the Atlantic, and passing round the Cape of Good Hope, arrived south of Madagascar. There, at a pre-arranged place, Bose and Abid Hussain were met by a Japanese submarine, to which they were transferred in a rubber dinghy. The submarine took them to Sabang on the North tip of Sumatra, and from there, the two men were flown to Tokyo along with Yemamoto, who was then Head of the Japanese-Indian liaison group. So, on June 13, 1943, Bose and party arrived in Tokyo.

2.10 After the fall of Singapore, the Indian prisoners of war were placed by the Japanese under the charge of Capt. Mohan Singh and the Indian National Army was organised. Mohan Singh, however, soon realised that the Japanese had no wish to treat him as an equal ally and give him liberty of action in conducting the affairs of the I.N.A. or of the Indian in South-East Asia. He felt that the Japanese wanted to use the I.N.A. only as a Fifth Column and for purposes of espionage. There were other differences, and Mohan Singh, who had assumed the rank of a General of the I.N.A. felt extremely dissatisfied and unhappy. He threatened to disband the I.N.A. Rash Behari Bose who was in general charge of the civilian independence movement in South-East Asia wanted to prove to the Japanese the importance of the movement which the civilian Indians in Asia had started. He did not see eye to eye with Genl. Mohan Singh. A break between Mohan Singh and the Japanese seemed inevitable and Mohan Singh finally told the Japanese that if they tried to replace the British in India, India would fight them.

2.11 Regarding Malaya he stated that the way the Japanese were crushing the Malaysians and completely Japanising them had aroused his suspicion about their sincerity and good faith. Mohan Singh ordered all I.N.A. troops to collect their arms, disband and revert back to the Indian prisoners of war status. The I.N.A. thus stood dissolved. On this Mohan Singh was dismissed by the Japanese military authorities, and placed under arrest. It was at this juncture that Bose arrived in Tokyo.

2.12 In Tokyo, Bose was received by the Japanese Premier, Tojo, who said in the Diet: "Japan is firmly resolved to extend all means in order to help to expel and eliminate from India the Anglo-Saxon influences which are the enemy of the Indian people, and enable India to achieve full independence in the true sense of the term." A few days later, Bose held a press conference and made two radio broadcasts, calling upon Indians to gather under his banner. He then went to Singapore, accepted the Presidentship of the Indian Independence League and called for the allegiance of the Indian National Army, which had been reorganised by the efforts of Rash Behari Bose. On July 9, 1943, in pouring rain, Bose addressed a meeting of 60,000 people, and said: "There is no nationalist leader in India who can claim to possess the many-sided experience that I have been able to acquire." He then began his campaign, and toured extensively, visiting Rangoon, Bangkok, Saigon, meeting and exhorting Indians and working long hours late into the night. In August, he assumed personal command of the I.N.A., and a few days later, announced this fact.

2.13 Field Marshal Count Terauchi was in overall charge of the Japanese forces in South-East Asia, and he was not in agreement with Bose's plan to wage war against the British. He was of the view that the war in South-East Asia was purely a Japanese affair, while Bose, on the other hand, argued that Indians must make the maximum contribution of blood in their fight for freedom. After some insistence, Terauchi finally agreed to employ one regiment of the I.N.A. as a trial measure. Bose spoke to the I.N.A. about their shortcomings. He pointed out that desertion and pilfering among them were rife. There was some disloyal talk, and Bose said that the chicken-hearted could leave the army, and he would not dissuade them from their design. He picked a group of men and formed the 1st Division, which was called Subhas' Regiment. This was placed under Capt. Shah Nawaz Khan and the men were subjected to hard training. A few other regiments were also formed, and a regiment of nurses and women soldiers, called the Rani of Jhansi Regiment, also came into existence. On October 21, 1943,

Bose inaugurated the Provisional Government of Free India and appointed a Council of Ministers to advise and assist him. He styled himself the Head of the State, Prime Minister and Minister for War and Foreign Affairs. Bose took a solemn oath to serve his country and continue the sacred war of freedom till the last breath of his life. The next day, the Provisional Government declared war on British and America. A number of countries quickly accorded recognition to the Provisional Government. Bose, considering himself the Head of an independent government, even though the government was a provisional one and functioning in exile, felt that as an ally and friend of the Japanese, he should have a more significant voice in the planning and execution of the war effort in the East. Terauchi, however, was not agreeable to Bose's demand, and Bose, therefore, spoke to Tojo and complained of Terauchi's attitude. He asked Tojo to agree that as the Japanese marched into India, the occupied regions would be placed under his (Bose's) control. Four days later, on November 5, Bose addressed a conference in the Diet building. His speech was an immediate success, and Tojo announced that Japan would hand over the Andaman & Nicobar Islands to the Provisional Government of Free India. The Army Chief of Staff, Gen. Sugiyama, agreed that in the 1944 offensive, the I.N.A. would rank as an Allied army under Japanese operational command and not as something subordinate to the Japanese military forces. On November 18, Bose left Tokyo and travelled to Singapore, passing through Nanking, Shanghai, Manila and Saigon. He addressed meetings and was taken round academies, cadet colleges, war factories, etc. From Shanghai, he broadcast an appeal to Chiang Kai Sheik. The tour was a personal success for Bose and when he met Terauchi, the latter agreed that Bose's headquarters would be able to take part in the planning and the execution of the war effort there.

2.14 In December 1943, the second I.N.A. Division was formed, but all was not going well with the I.N.A. In November, there had been a serious mutiny in Singapore. The desertion rate was increasing, and funds were not easily available though Bose had called upon the Indian business community in Burma and the other South-East Asian countries to contribute liberally for the fight against the British. Mohan Singh, who had some influence with the army personnel, was not amenable to Bose's suggestions, and Bose felt that there would be unanticipated difficulties to surmount. Even the concession relating to the Andaman Islands was not implemented in the manner he had hoped. Bose installed Loganathan as Chief Commissioner, but the Japanese Admiral told him that for cogent

strategic reasons, there could be no complete hand-over during the war. He added that if the Commissioner (Loganathan) was prepared to cooperate, some department of civil administration could be transferred to his control. This was scarcely what Bose had wished or hoped for. He realised that he had not been accorded the equal status of an ally.

2.15 Burma, at this time, was under Japanese occupation, and the Allies were expected to launch a campaign for its recovery. So, early in 1944, the Japanese decided to open a second front in Burma in order to forestall the British army's advance from India towards the East. Japan's intention was to push forward into India and eliminate the entire British influence on the Eastern front. The I.N.A. was asked to help and take part in this venture. Bose stoutly resisted the suggestion that small groups of I.N.A. personnel should be attached to the advancing Japanese units. He insisted that the I.N.A. should form the advance guard, and "the first drop of blood to be shed on Indian soil should be that of a member of the I.N.A." This was, however, the proposal of a visionary, of a zealous but impractical patriot. He had only 3,000 trained soldiers ready, and the strength of the Japanese forces in Burma was 230,000. The Japanese, who were anxious to secure a decisive victory by deploying their most competent men, did not relish the prospect of a small band of I.N.A. men drawn from the inglorious rout of a defeated army, leading the first thrust in a critical manoeuvre. However Bose, basing his hopes on an anti-British revolt in India, obtained the approval of the Japanese authorities to permit one I.N.A. regiment to take part in the Imphal campaign, which was aimed at pushing the British Forces to the West of Imphal. But, he lacked the provisions, supplies and medicines necessary for conducting the campaign. The Japanese gave little assistance. The I.N.A. men fought gallantly, and they made a rapid but brief advance. They shed their blood on Indian soil, but the campaign was a failure, and Bose realised that his first attempt to liberate India had not succeeded. He also realised that despite the outward respect and honour with which the Japanese treated him, he was looked upon as a puppet, a tool which could be discarded and ignored, when deemed no longer useful. Shah Nawaz Khan, who commanded the first brigade of hand-picked men and took part in the Imphal campaign, complained bitterly about the unhelpful attitude and the almost callous indifference of the Japanese. They provided the I.N.A. with inferior transport, insufficient ammunition little or no equipment for communication, poor medical supplies and surgical instruments. There was shortage of boots and clothing and of foodstuffs. However sympathetic the authorities at Tokyo might be,

Bose received no cooperation or friendship from the Japanese in the actual field of war. In September 1944, he ordered the retreat of his army from the battle front. He thought then that this would be only a case of *reculer pour mieux sauter*. But his subsequent campaign also ended in failure. The Allied forces pushed back the Japanese army, and the I.N.A. was compelled to retreat. Even then, Bose did not give up hope and thought that "he could re-organise his disintegrated forces and resume the fight to uphold the honour of India." Alas, in April 1945, the Japanese decided to leave Burma and Bose had to abandon his last hope.

2.16 We may pass over the events of the succeeding months as they have no relevance to this narrative. On August 11, 1945, when Bose was at Saramban, he received information that Russia had declared war on Japan. The next day he received another message intimating Japan's decision to surrender to the Allied forces. He went to Singapore on August 13, and discussed his future plans with his civil and military officers for three days. On the morning of August 16, he flew to Bangkok and had further consultation with Japanese representatives, Gen. Isoda, Hachia, the Japanese Minister accredited to the Provisional Government of Free India, and Kagawa. On the morning of August 17, Bose, accompanied by 6 members of his staff and some Japanese officers, travelled to Saigon in two bomber planes, provided by the Japanese. Planes had to be changed here and Bose wished his entire party to accompany him on his journey beyond Saigon, and when the Army officers at the airport expressed their inability to accede to this request he insisted that the matter be referred to Field Marshal Terauchi. The party waited while messengers were sent to obtain instructions from Terauchi, who was at Dalat about a hundred miles away. Eventually, most of Bose's party had to stay behind, as the sole available Japanese bomber which was carrying Japanese army officers beyond Saigon, could accommodate only Bose and one other person. Bose selected Habibur Rehman to accompany him on what has been described as his last journey. The plane landed at Taipei in Formosa for refuelling on August 18. What happened subsequently is a matter of dispute, and it was at this stage that Bose can be said to have disappeared.

2.17 News of Bose's death in an air crash or in consequence of injuries received in an air-crash on August 18, 1945 was broadcast on the radio from Tokyo by the Domei Agency a few days later, and was then published in several newspapers. The news was read by Indians with sorrow and a sense of deep bereavement. The post-war turmoil in the country

with the political and economic problems that came with it, was agitating the Indian mind, and Bose's reported death was looked upon as just one more tragic event in an era which had left vast areas in Europe and Asia devastated, homes, institutions and factories razed to the ground, 6 million Jews exterminated, Hiroshima and Nagasaki all but annihilated, Hitler's aggressive militarism and Japan's pride in never having suffered defeat brought low.

2.18 In India, there was feverish activity to achieve independence as quickly as possible. Then, there came the British Government's decision to try the INA officers on the charge of treason. During war time there had been a diligent censorship of news and at that time, the Indian people knew hardly anything about the INA and of what part Bose had played on the Eastern front of the war. But when they heard of the proposal to try by a court martial, persons who had fought the Allied forces to liberate India, a wave of intense nationalist feeling and indignation went surging through the country. The facts of the trial and what happened afterwards are a matter of known and undisputed history and scarcely germane to the present inquiry. What is relevant to the subject matter of the present investigation is that after the release of the three accused persons, Shah Nawaz Khan, Sehgal and Dhillon, the men and officers of the INA were acclaimed as patriots and national heroes. Subhas Chandra Bose was elevated to the status of a unique incomparable leader, the greatest patriot and freedom-fighter and, above all, a martyr.

2.19 It was not, however, long before doubts began to be expressed about the truth of the crash story and about Bose's death on August 18, 1945. Many apocryphal accounts of his escape and his subsequent activities were narrated. As early as 1946, Sardar Patel, Home Member, was asked if any ban had been placed on the movements of Netaji Subhas Chandra Bose. In 1952, there was a question in Parliament asking if the Government of India intended to make an investigation into the truth of the report about Bose's death. The demand for an inquiry into the whole matter became more vociferous, and in this demand Shah Nawaz Khan, who had been a trusted lieutenant of Bose, and the members of the Bose family joined. At a public meeting held in Calcutta, the need for such inquiry was vehemently protested. In April, 1956, the Government of India appointed a committee consisting of Maj. Gen. (INA) Shah Nawaz Khan as Chairman, and Shri Suresh Chandra Bose, elder brother of Netaji, and Shri S. N. Maitra, ICS, as members, "to inquire into and to report to the Government of India the circumstances concerning the

departure of Netaji Subhas Chandra Bose from Bangkok about the 16th August 1945, his alleged death as a result of an aircraft accident and subsequent developments connected therewith."

2.20 This Committee examined in all 67 witnesses in India and at places in East Asia, and submitted a majority report to the Government on July 16, 1956. Shri Suresh Chandra Bose did not subscribe to the conclusions arrived at by his colleagues, and wrote a dissenting report which he submitted to the Government on October 9, 1956. This dissenting report was placed on the table of the Rajya Sabha on December 12, 1956. It was also published by the author in the form of a book which has been placed before the Commission.

2.21 The findings of the two members who signed the majority report were that the plane in which Bose, Habibur Rehman and a number of Japanese military officers travelled from Saigon to Taihoku crashed within a few moments of its taking off from the Taihoku airfield for its intended flight to Dairen in Manchuria, on the afternoon of August 18, 1945. As the plane hit the ground, it caught fire. Bose sustained serious burn injuries, to which he succumbed in a hospital in Taihoku the same night. His body was cremated and the ashes were flown to Tokyo early in September and deposited in the Rankoji Temple. Shri Suresh Chandra Bose disagreed with these findings and expressed the opinion that the evidence on which they were based was not trustworthy and was liable to be rejected.

2.22 The Government of India accepted the majority report and gave expression to its conviction that Bose had been proved to have died in Taipei in Formosa or Taiwan on the night of August 18, 1945. But the controversy regarding Bose's disappearance, or more accurately non-appearance, was not resolved. Dissatisfaction about the procedure adopted by the Committee and the correctness of its findings was frequently expressed in public. Even the *bona fides* of Shri Shah Nawaz Khan and Shri Maitra were questioned. It was said, *inter alia* that neither of the two members who had signed the majority report had any judicial experience or possessed the ability to conduct a probe of such complexity and importance. The Committee was criticised for not paying a visit to Taiwan to inspect the site of the alleged crash. Rumours of Bose having been seen alive once again became rife. Some of them found their way into newspapers and magazine articles. The first one to gain a greater than usual currency was that Swami Shardanand of the Shaulmari Ashram near Sylhet was no

other than Netaji Subash Chandra Bose, who for very good reasons, had chosen to conceal his identity and remain incognito till such moment, as in the fullness of time, his purpose dictated a public manifestation.

2.23 The Chief propagator and publicist of this story was Uttam Chand Malhotra, who had given shelter to Bose in his home in Kabul in 1941, when the later was making arrangements to escape to Germany. Malhotra advertised an account of his visit to the Shaulmari Ashram in July, 1962. The account was published in *Navbharat Times* and the *Daily Milap*. Questions were asked in Parliament, letters were addressed to the Shaulmari Baba, as Swami Shardanand came to be called. There were other reports of Bose having been seen in other places in other guises. Dr. Satyanarain Sinha, who at one time, was a Member of Parliament, paid a visit to Taiwan in 1964 and, on his return, wrote or inspired an article published in the *Anand Bazar Patrika*, in which he stated his reasons for coming to the conclusion that Bose's plane had not crashed on the Taipei airfield as declared by S/Shri Shah Nawaz Khan and Maitra. He also published a book, *Netaji Mystery*, in September 1966. Members of the All India Forward Block political group took up the matter with the authorities. A petition signed by more than 350 Members of Parliament was presented to the President of India, in which a demand for a properly conducted judicial inquiry into the matter was made. A similar demand was placed before the Prime Minister. Finally, on December 5, 1969, eighteen Members of Parliament met the Minister for Home Affairs and pressed upon him the urgent need for appointing an inquiry commis-

sion. The Minister promised to place the matter before the Cabinet. Shortly after this, the Cabinet took a decision to appoint a commission under the Commissions of Inquiry Act. In pursuance of this decision, the present Commission was appointed by means of a notification dated July 11, 1970. (See Chapter One).

2.24 It will have been observed that Netaji Subhas Chandra Bose has, in these pages, been referred to simply as Bose. This has been done not in the interests of brevity or convenience, not to conform to the forensic practice of dispensing with titles and honorific prefixes when speaking of persons whose names figure in judicial proceedings, but because Netaji occupies such an eminent and incomparable position in India's history that he needs no honorifics to emphasise or enhance his intrinsic greatness. Just as titles and trappings of dignity have, in the course of time, been dissociated from the names of Caesar, Ashoka, Akbar, Nehru and Gandhi, it is enough to say 'Bose', and yet remain completely respectful and conscious of his political greatness and splendour. Nehru in his writings, refers to Mahatma Gandhi as Gandhi. Most writers speak of Pandit Jawaharlal Nehru as Nehru. These names conjure up a whole complex of ideas, associations and historical events in which the persons so named played their respective roles. The addition of a prefix or a suffix does not add to their importance or augment their glory. So, without meaning any disrespect or irreverence, the writer of this report will, throughout, refer to Netaji Subhas Chandra Bose as Bose unless there is a possibility of ambiguity or misunderstanding.

THREE

EVIDENCE AND PROOF

3.1 Shortly after the appointment of the Commission was notified, the Secretary to the Commission issued a notice, which was published in all the leading newspapers of India, inviting all persons, acquainted with the subject matter of the inquiry, to furnish to the Commission statements relating to facts and circumstances having a bearing on the disappearance of Netaji Subhas Chandra Bose and the subsequent developments connected therewith. The advertisement announced that statements supported by affidavits would be received by the Commission, and witnesses should indicate their willingness to appear and testify in person.

3.2 Even before the publication of this notice in the newspapers, letters began to be received at the office of the Commission, and individuals came to interview me. They offered to give assistance in the form of oral evidence, books, newspaper-cuttings and other publications which had come to their knowledge. I was informed that a National Committee to assist the work of the Commission had been formed, and that this committee would call witnesses, examine them and give such other assistance as might be necessary. It was decided to hold the inquiry in public and not in camera. The first public sitting of the Commission was fixed for October 16, 1970. On that date, the examination of witnesses began. Thereafter, there were sittings at Delhi and several other places in India at which a large number of witnesses testified. The Commission also paid a visit to Japan and some countries in South-East Asia where further evidence was recorded. I had pointed out to the Government the advisability of paying a visit to Taipei, in Taiwan in order to inspect the site of the alleged air crash. I had also made a request that the Government should make arrangements for this visit. The Government at first, expressed its inability to accede to my request, on the ground that the Government of India had no diplomatic relations with the Government of Taiwan, and therefore, no official visit could be arranged through official channels. Later, however, on the in-

sistence of Shri Samar Guha and other persons, the Government agreed to permit the Commission to proceed to Taiwan for the inspection of the spot and for examining such witnesses as might be available and whose evidence would be relevant to the subject matter of the inquiry.

3.3 After the conclusion of the evidence, counsel addressed their arguments to the Commission.

3.4 In all, 224 witnesses were examined by the Commission and a large number of documents, letters, newspaper reports, books and memoranda were received and read. A complete list of the witnesses examined along with the dates on which and the places at which they were examined will be found in Appendix I, at the end of this Report.

3.5 At the very first public hearing of the Commission, the question of representation by Counsel had to be considered. As mentioned above, a National Committee for assisting the Commission had been formed. But this was not the only interest which demanded to be heard. A Committee known as Netaji Swagat Committee, represented by Shri Uttam Chand Malhotra, also wanted to represent its case. Other committees and even some witnesses, e.g. Shri Shah Nawaz Khan, claimed the right to have a counsel to represent them and to press their case before the Commission. A request was made by Shri Amiya Nath Bose, who appeared on behalf of the National Committee, that a senior and a junior Counsel representing the interests of his Committee be appointed by the Government at public expense. Shri Amiya Nath Bose, however, claimed that the Counsel so appointed should be a man of his or the National Committee's choice. Shri Balraj Tripathi, Advocate stated that he had been engaged to act as junior to Shri Amiya Nath Bose, but later the same day, he stated that he was appearing on behalf of the Netaji Swagat Committee. At a subsequent stage in the proceedings, the family of Subhas Chandra Bose wished to be represented by counsel at the hearings of the Commission. This request was granted during the life time of Shri Suresh Chandra Bose, as it was felt that Shri

Bose was deeply interested in the proceedings as Netaji's sole surviving brother and also because, as a member of the Shah Nawaz Khan Committee, he had dissented from the majority view. After the death of Shri Suresh Chandra Bose, a writ petition was filed in the Calcutta High Court praying for a direction to the Commission that counsel for Shri Bose's family should be allowed to appear in the proceedings before the Commission. This demand was not opposed by Counsel who appeared on behalf of the Commission before the Calcutta High Court, and a direction to this effect was accordingly issued by the High Court. A number of other prayers made in the writ petition need not be mentioned here as they have no relevance to the matter of representation through Counsel.

3.6 I made it quite clear, at the very outset, that this was not a case between two or more opposing parties, each claiming to prove its specific case or establish an individual right in contradiction to the others. The Commission had been appointed with a view to discover and establish the truth regarding Netaji's disappearance, and not to pronounce judgement in favour of one of the contending parties, to the detriment of others. I also made it clear that the Government had no case to press before the Commission; and although the report of the Shah Nawaz Khan Committee had been originally accepted by the Government, the matter having now been reopened, the Government did not wish to plead that the findings contained in that report were correct, far less binding upon this Commission. I, therefore, repelled the suggestion that Government should be asked to appoint a Government lawyer to represent the Government's case before the Commission, as contemplated by Rule 5(c) of the Central Commission of Inquiry (Procedure) Rules, 1960. At the same time, I was anxious that there should be expert legal assistance available for the Commission's work throughout the proceedings, as it is not possible for the person conducting an inquiry of this nature to act as the investigating officer who discovers the evidence, the solicitor who shifts the material so discovered, the lawyer who adduces the oral and documentary evidence, and finally, as the Judge who appraises it and pronounces judgement upon it. I, therefore, made a request to the Government, at the very outset, to appoint a Counsel for the Commission who should be an entirely impartial person. He would search for the evidence and would act both as solicitor and lawyer in as much as it would be his duty to screen the evidence and then adduce it before the Commission. Unfortunately, this request was not acceded to at an early stage of the inquiry and it was not till May 29, 1972

that Mr. T. R. Bhasin, who was appointed Counsel for the Commission, was able to appear and conduct the examination of witnesses, and the submission of documents.

3.7 That being the state of the matter I deemed it advisable at the very beginning to permit the National Committee to appear before me through counsel of their own choice. I also permitted Shri Balraj Trikha to appear on behalf of the Netaji Swagat Committee, and finally, a counsel also appeared for Shri Bose's family, though since the interests of the National Committee and of the Bose family were not in conflict, the same counsel viz: Shri A. P. Chakraborty and Shri N. Dutt Majumdar appeared and represented both interests. Finally, Mr. T. R. Bhasin, acting as the Counsel for Commission, selected the evidence and produced it before the Commission.

3.8 I may mention here that at the very first hearing at which Mr. Bhasin appeared, I ruled that although he, as Counsel for the Commission, would be shifting the evidence and examining it, any person aggrieved by his selection could appeal to me and I would finally decide whether a certain witness or a certain piece of documentary or other evidence should or should not be produced at the hearing. All parties accepted this order as just and proper, and I am glad to say that Mr. Bhasin discharged his duties so fairly and competently that there were no complaints of any kind by anyone regarding his selection and production of evidence, though his discussion of the evidence and the inferences he sought to draw and to place before the Commission in the course of his arguments were assailed as pro-Government and as a piece of special pleading to support the majority report of the Committee presided over by Shri Shah Nawaz Khan. This, let me say at once, was a wholly unjust charge. Any one surveying the evidence adduced in a proceeding must inevitably present, what seems to him, the case made out by the evidence and interpret the available material accordingly. Not to offer any evaluation of the evidence or not to draw conclusions from it would be to fail in a duty which rests squarely on the shoulders of every advocate or counsel. I have no hesitation in saying that Mr. Bhasin's summing up was fair and impartial, consistently with his duty to assist me in arriving at correct findings.

3.9 Thus, while Shri A. P. Chakraborty, Advocate was present almost throughout the proceedings, remaining absent only toward the last stages when an unfortunate cardiac ailment confined him to bed, Shri Trikha, Shri Majumdar and Shri Amiya Nath Bose offered their assistance on behalf of one party or another at

several public sittings of the Commission, Shri T. R. Bhasin with his junior Shri Wad appeared from May 29, 1972 onwards. A complete statement of appearances by all counsel will be found in Appendix II.

3.10 The very name Netaji was enough to arouse the emotions of many persons, and the appointment of this Commission had evoked a great deal of very active and enthusiastic interest in a large number of persons. Requests were made by many persons for permission to appear before the Commission to give evidence or to produce documents in their possession. The demands were sometimes very vociferous. Even when the evidence of a witness appeared to me irrelevant or inadmissible, the witness urgently demanded a hearing. Upon three occasions in Calcutta, I was subjected to a *gherao* because the witnesses demanded a hearing. I was asked to accept the evidence of a large number of books and newspaper reports. Counsel appearing on behalf of various interests repeatedly urged a liberal construction of the rules of evidence, and argued that in an inquiry of this nature nothing that had any relevance to its subject matter should be excluded. In the circumstances, it became somewhat difficult to act too strictly within the compass of the Indian Evidence Act, and fairly early in the proceedings, I had to decide to admit evidence somewhat liberally, reserving for a later date my decision as to whether I would act upon such evidence. I explained the position to counsel appearing before me and to witnesses who wanted to be heard. I did this because in the absence of a Counsel acting on behalf of the Commission and assisting the inquiry impartially and objectively, my task assumed the form of a roving inquiry in the course of which a piece of inadmissible evidence might well lead to the discovery of some other piece of evidence which would be both relevant and admissible. I accordingly, ruled that although my ultimate findings would be based strictly in accordance with the provisions of the Indian Evidence Act upon relevant and admissible evidence, I would not hesitate to admit evidence which appeared relevant and which might lead to the discovery or the proof of facts having a bearing upon the subject matter of my inquiry. I was obliged to do this for another reason, namely the desire to satisfy the public with regard to the fairness and the comprehensiveness of my inquiry. It has been clear from the very beginning that in this case, more than in any other, it is necessary not only to do justice but to appear to do justice. The demand of the public had arisen as much from a desire to know the truth as from emotional and political motives. The emotions engendered by the personality of Netaji and the role he had played throughout his career, clouded the

reason of his protagonists, and many persons who had not even seen his face or personally known anything about him insisted on giving evidence. The extreme case, perhaps, was that of two individuals claiming to be skilled in the science of palmistry and astrology, who travelled all the way from Madras to Delhi in order to assert the certainty of Netaji's survival as revealed to them by a study of the lines on his hand. These lines, by the by, were not seen by them in the flesh but on a print said to be of Netaji's hand. I had to decline the request of these two witnesses to testify before me.

3.11 In coming to the conclusions, which will be set out in a subsequent Chapter of this report, I have strictly followed the rules of Evidence.

3.12 In the peculiar circumstances of the case I have deemed it necessary to discuss all the evidence produced before me in order to indicate the ratio of my findings and to give due appraisal of the various types of evidence produced. Counsel appearing before the Commission cited a number of rulings to suggest that a Commission of this type is not bound by the strict rules of evidence and, therefore, much that would be inadmissible evidence in the course of a judicial trial, may be admitted and considered in the present proceedings. The question, however, is not whether evidence strictly inadmissible should be admitted but in what manner this evidence should be used. I have, in coming to my conclusion, followed the legal which is also the commonsense definition of proof, given in Section 3 of the Indian Evidence Act namely :—

“a fact is said to be proved when after considering the matters before it, the court either believes it to exist, or considers its existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it exists.”

I have drawn pointed attention to this matter because the Counsel arguing the case on behalf of the National Committee for Netaji Swagat Samiti and for the Bose family, have relied, to a very large extent, upon wholly inadmissible evidence which was either hearsay or beliefs and opinions expressed by various individuals. An attempt has also been made to argue the case as if we were not employing a judicial process, but a process sometimes applied in science, according to which we assume a hypothesis or propound a theory and then make a search for facts and circumstances consistent with such hypothesis or theory. This inductive method may be useful when discovering general principles in science. This is how Newton

sought to prove the theory of Gravity. In judicial proceedings we are not concerned with general laws or theories. We are concerned primarily and ultimately with whether certain facts in a specified matter exist or not. To take an example, we cannot, in the present enquiry, assume that Netaji is alive because being a zealous patriot, determined to carry on the struggle for liberating India from British bondage and endowed with immense reserves of courage and resourcefulness, he would, without a doubt overcome all impediments, escape the vigilance of the Allied Forces and make his way to a place of safety, there to remain in hiding when the time was ripe to resume his activities; nor can we assume that Netaji is dead because he has not appeared in person for a long time, and then look for facts to support either hypothesis. We are concerned with what facts are proved by the evidence which has been produced, e.g. the death or survival of Bose and the circumstances in which he disappeared. In this context, the courage and resourcefulness of Netaji will be corroborative material if on other primary evidence he is proved to have survived. In the same way, his non-appearance for many years is no more than one circumstance, a piece of evidence, and not a hypothesis which may be assumed to prove his death. Take another example. We cannot argue that because, Bose had, at the age of 17, run away from home, to visit some religious place and seek religious guidance, and had again, eluding the vigilance of his guards in January 1941, clandestinely left his residence in Calcutta and made his way incognito to Kabul and then to Germany, and finally because in the spring of 1943, he had undertaken a perilous journey in a submarine from Germany to Sumatra in secret, he must, in August, 1945, have escaped without anyone knowing the manner of his escape. This would be importing the conception of *modus operandi* which is sometimes invoked in the investigation of crimes manifesting special and peculiar features associated with other crimes of a similar nature, known or suspected to have been committed by a particular individual. The *modus operandi* theory will certainly not apply to Bose's case. We must, on the basis of all available evidence, determine what exactly happened and what are the proved facts. To venture into the realm of conjecture or imagination will be neither proper nor rewarding.

3.13 In the circumstances, I have adopted the course of following the judicial method of determining facts, although in admitting evidence I have been extremely liberal and have shown the greatest indulgence to people and parties anxious to produce material before the Commission. My conclusions are based only on

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evidence which is admissible, which is not hearsay, and which does not constitute opinions, beliefs or emotional convictions.

3.14 This type of evidence was heard only because it might have led to the discovery of primary or admissible evidence. When it did not, it was treated as of no significance whatever—indeed as *non est*. I shall, in the following chapters, give details of the various categories of evidence produced in the course of the inquiry and in a separate chapter discuss the merits and the probative value of each piece of evidence.

3.15 It is necessary to state here the circumstances which have occasioned a seemingly inordinate delay in submitting this report. The delay, as it will presently be seen, was not due to any (tardiness) in dealing with the enquiry or to events over which I could exercise any control. My appointment as One-Member Commission of Inquiry was notified on July 11, 1970. I was at that time, pre-occupied with another assignment, as Chairman of the Committee to enquire into and report on the working of the National Academies and the Indian Council of Cultural Relations. Some part of the work, entrusted to this Committee, had been performed, but a great deal still remained to be done. I have also been acting as a Member of the Executive Council of the Banaras Hindu University, and this involvement has made a regular and periodic demand on my time, necessitating my going to Varanasi for 2 or 3 days each month. I brought these facts to the notice of the Government when I was informed of the proposal to entrust this inquiry to me. I was told that the government wished me to undertake the work of the Commission and that I could adjust my other assignments to fit in with the sittings of the Commission. I, accordingly, began arranging my programme of work consistently with the convenience and availability of other members of the Committee dealing with the National Akademies so that that enquiry should be brought to its conclusion with the least possible delay and with the least detriment to the progress of the present inquiry. It was, however, inevitable that some delay should result from my divided attention to the two assignments each of which was in the nature of a full time occupation.

3.16 My work as the Chairman of the Committee on the National Akademies necessitated my holding public sessions and touring to various places in India, because the reactions of the State Governments and the cultural bodies in the various States had to be gathered before a meaningful report on the working of the Akademies could be submitted to the Govern-

ment. During the period August 14, 1970, to July 31, 1972, when the report on the working of the National Akademies was submitted to the Government, as many as 28 meetings of that Committee were held at Delhi to interview witnesses and visit cultural institutions in the Capital. In addition to these, 13 visits to various places in 16 different States were undertaken. Each of these visits extended over a number of days varying from one day to six days. These visits, entailing sometimes long journeys, proved very time consuming. Finally, I had to prepare the draft of the report which extends over 220 printed pages. This draft had to be discussed at meetings of the Committee and then finalised before it could be submitted to the Government.

3.17 While I was dealing with these two matters viz. the Netaji Inquiry Commission and the Review into the working of the National Akademies, I was, on November 12, 1971, appointed Chairman of a Committee to enquire into and report on the working of the Film and Television Institute at Poona. This assignment necessitated the holding of a number of meetings at Delhi, Bombay, Poona, Madras and Calcutta to hear the views of prominent film producers, distributors, actors etc. The report in that case was submitted to the Government on June 29, 1972. And finally, I was entrusted with the task of advising the government on certain matters connected with the integration of the film and television wings of the Film and Television Institute of India. This work was to be performed by an Expert Group of which there were 9 members including myself, acting as Chairman. The study which we were asked to undertake necessitated visits to Poona & Bombay and the holding of several meetings at Delhi.

3.18 The above mentioned multiple assignments which I was asked to undertake delayed the progress of the Netaji Inquiry Commission. There were, however, several Inquiry other factors which also contributed to this delay.

3.19 One such factor was the failure of the government to appoint a Counsel to conduct the proceedings impartially and objectively, and thus provide essential legal assistance to the Commission. From the very beginning it was clear to me that there should be a competent and experienced Council for the Commission who could make a pre-study of all available and relevant evidence, and then select only those witnesses, documents, and other material as would be helpful in discovering the truth. This would not only have made my task easier and given the appearance of justice being done, but would also have avoided unnecessary

delays and waste of time in hearing irrelevant and inadmissible evidence. Without such Counsel, I should have to act as an investigator in looking for evidence as a kind of solicitor in shifting and screening it, as Counsel in examining witnesses so selected and finally as judge in assessing the worth of the evidence tendered and adjudicating upon it, a quadruple function which would not only hamper the smooth progress of the inquiry but also give rise to a measure of dissatisfaction. Also if I did not exclude useless evidence, and agreed to examine every one who volunteered to make a statement or was sponsored by one of the several associations and individuals claiming the right to make an appearance and take part in the proceedings, I might have been obliged to continue the enquiry endlessly.

3.20 So, on October 10, 1970, I addressed a letter to the Secretary in the Ministry of Home Affairs requesting him to obtain the orders of the government for the appointment of a senior and a junior counsel for the Commission. In this letter I set out the reasons for making this requisition and said, *inter alia* :

"The appointment of this Commission has evoked a great deal of public interest and I may say, enthusiasm. A large number of persons have been coming to hear the examination of witnesses at the public sessions and there are clear indications that this Inquiry is generating a considerable measure of emotion on the part of many individuals. There already exists a vast amount of literature on the subject, many books and articles have been published during the last 25 years, various theories have been propounded and some of the theories have, at least, the appearance of plausibility. A large number of witnesses claim to have personal knowledge of facts which are germane to the Inquiry, and the conclusion can be reached only after unravelling a number of complicated and disputed facts. I realise that unless the examination of the witnesses is done through Counsel, it is impossible to bring all the material facts before the Commission. Also when a Counsel is appointed, the question of cross-examination by other parties or individuals can be satisfactorily dealt with".

But many months were to elapse before a decision on this urgent and important matter was taken, and the appointment of Mr. T. R. Bhasin, Senior Counsel and Mr. S.B. Wad, as his junior, was not made till 7-3-1972. In the meantime the proceedings could not

be held in abeyance, and so the task of collecting evidence, selecting the witnesses and examining them had to be performed by me. This was inevitably a slow process; at any rate, slower than it would have been with the assistance of a Counsel.

3.21 Another cause of delay was the Commission's belated visit to Taiwan. I had written to the Government at the very beginning and pointed out the desirability of a visit to Taichung which was alleged to be the scene of the air crash which resulted in Bose's death. The Shah Nawaz Khan Committee had not been able to go to Taiwan and a great deal of criticism against the findings of that Committee was based on its failure or refusal to visit Taiwan. I felt it necessary to advise the government to make facilities available for the Commission's visit to Taiwan so that the same criticism should not be repeated. The government, however, expressed its reluctance to sponsor the visit, on the ground that India had no diplomatic relations with Taiwan and a Commission of this nature could not officially visit Taiwan without giving rise to diplomatic misunderstandings. Mr. Samar Guha, however, declined to accept this position and continued to agitate the matter and press for a visit to Taiwan. At the beginning of 1973, the government saw its way to allowing the Commission to visit Taiwan. The visit, accordingly, took place in July 1973, which was the earliest possible in view of the arrangements which had to be made for travelling and for living accommodation and for calling witnesses in Taiwan who had to be informed of the Commission's visit. The Commission spent about 8 days at Taichung recording the evidence of witnesses, inspecting the airfield where the crash was alleged to have taken place and visiting the crematorium where Bose's dead body was alleged to have been cremated. The evidence having been thus concluded, July 30, 1973 was fixed for arguments of Counsel.

3.22 Further delay was, however, to occur owing to the unfortunate indisposition of two advocates appearing in the proceedings. Shri Chakraborty, who

was Counsel for the National Committee suffered a heart attack and was confined to bed for several months. Shri T. R. Bhasin, Counsel for the Commission also suffered a heart attack on return from Taiwan, and his medical advisers ordered him to stay in bed for some weeks. So, it was only on 10-9-1973 that arguments in the case could commence.

3.23 In accordance with the general practice of conducting proceedings before Commissions of Inquiry and in view of the fact that the recording of the evidence had taken place over a long period and Shri Bhasin had been appointed only towards the end of the proceedings, the entire evidence was read out at the public sessions. This took a considerable time. The arguments of Counsel extended over several months. A certain amount of latitude had to be permitted both in the matter of recording the evidence and in the matter of adducing arguments by Counsel because of the peculiar nature of these proceedings. It has already been stated that the case had aroused deep emotions, political and patriotic, and there were constant requests by individuals to appear and give evidence. Often the evidence sought to be tendered was neither admissible nor very helpful. Many requests were rejected but when requests came through Counsel and were pressed with vehemence I had often to concede the demands because I felt that, in this case, more than in any other it was not only important to do justice but also to appear to do justice. This proved a fruitful source of delay.

3.24 Therefore, we see that the circumstances which have prolonged this inquiry were matters over which I had no control. My divided attention by reason of other time-consuming assignments, the government's failure to appoint a Counsel for the Commission as soon as the inquiry started, the delay in processing the visit to Taiwan, the unfortunate illness of two of the most important Counsel assisting and conducting the proceeding and the peculiar nature of the inquiry with its political, emotional, and patriotic overtones were responsible for the delay in concluding the Inquiry.

FOUR

AIR CRASH STORY

4.1 In the preceding chapter a brief reference has been made to the story of Bose's death at Taipei after an air crash and to the numerous other versions of what happened to him after the war on the eastern front had come to an end and the Japanese forces had surrendered. These stories will now be examined and the evidence bearing on them discussed.

4.2 The version which claims our foremost attention is naturally the story of his death, consequent upon an air crash on the Taihoku airfield on August 18, 1945. This story was the first, in point of time, to gain currency after its announcement on the radio from Tokyo on August 23, and to receive wide acceptance. Also it constitutes a positive assertion supported by a number of witnesses who do not appear to have any motive or reason for committing perjury and who, therefore, may be said to constitute independent testimony. The story briefly is as follows:

At the beginning of August 1945, it was abundantly clear that the Japanese could not win the war, and the Allies were determined to clinch the issue and inflict an immediate and total defeat on their foes. The dropping of two nuclear bombs on Hiroshima and Nagasaki compelled the Japanese to surrender, and resign themselves to an ignominious defeat. A message was sent to Bose informing him of the proposed terms of surrender. Bose had to decide quickly what should be his future course of action. Should he surrender to the Allies along with the Japanese? Should he, as the Head of an Independent State, distinct from the Japanese, offer to surrender separately and on separate terms? Should he continue to fight the Allies on the Indian front and go on striving to free India from British domination? Or, should he escape to a place of safety beyond the control of the Allies and make further plans for whatever seemed feasible? After discussing the matter with his colleagues and ministers of the Provisional Government of Free India and the Japanese military authorities, he chose the last alternative. He, accordingly, asked the Japanese to make arrangement for his escape to Russian territory because he believed

that Indian aspirations evoked a sympathetic response from the Russians. Bose had already attempted to contact the Russians through the Japanese diplomatic channels, but the Japanese had not made a favourable response to his request. However, now, when the Russians had made a formal declaration of war against the Japanese, to send Bose to Russia would not cause them any embarrassment vis-a-vis the Allies. Also, the war having ended, the Japanese were not going to fight any more, and Bose had become a dispensable ally. They welcomed the opportunity to be relieved of what must, in the altered circumstances, have been looked upon as a liability. No cut and dried plan of conveying Bose out of the area under Allied control could be prepared, because the Americans had laid a strict embargo on all flights by the Japanese, and in the chaotic conditions prevailing after the defeat and humiliation suffered by the Japanese, it was impossible to prescribe an exact schedule of the Journey. Bose had, therefore, to hold himself in readiness to fly immediately whenever accommodation on a plane flying to or toward Russian territory became available.

So, Bose after receiving intimation of the Japanese decision to surrender to the Allies, travelled to Singapore where he arrived on August 15. The next day he flew to Bangkok where he stayed overnight and conferred with the members of his Cabinet. On the morning of August 17, Bose and his party were taken in two planes to Saigon. At Saigon, difficulty was experienced in continuing the flight beyond. The two planes in which the journey to Saigon was performed had gone back, and it was anticipated that a bomber plane in which some military personnel were to travel to Manchuria would be leaving Saigon in the afternoon. This plane had come from Manila with and almost full load of passengers and baggage. Bose was informed that it would be impossible to accommodate his entire party, and he could at most, be provided with one seat for himself in this plane. Bose was greatly upset by this news, and sent an appeal to Field Marshal Terauchi, who was in overall command of military operation in South-East Asia and

was camping at Dalat about 100 miles from Saigon. Terauchi, however, was not very helpful. After a great deal of argument, a second seat was offered to Bose. Bose hurriedly consulted his colleagues and they prevailed upon him to accept the offer. He chose Habibur Rahman to accompany him. The plane left Saigon at 5 P.M. carrying Bose, Habibur Rahman and 8 or 9 Japanese military officers who were to go to Manchuria. The aircraft left Saigon at 5 P.M. and arrived at Tourain at 7.45 P.M. It was not considered safe to travel beyond Tourain the same day, and the party spent the night there. The next morning, the plane left Tourain and flew to Taihoku in Formosa. The flight from Tourain took 7 hours, and there was a brief halt for refuelling at Taihoku where the party took a snack lunch. The pilot had observed a snag in one of the engines and this was attended to. Also, some of the baggage was off-loaded because the pilot felt that the plane could not comfortably carry so much load at the take-off stage. The plane took off from the Taihoku air field at 2.30 P.M. but almost immediately crashed on the air-field and burst into flames. The pilot and Genl. Shedei, who were inside the plane, died at once. The remaining crew and passengers were able to leave the wreckage alive but several of them sustained burn injuries. Bose and the co-pilot were, in particular, very badly burnt. The injured were taken to the military hospital, a few kilometers away, and attended to. Bose succumbed to his injuries in the course of the following night. The injuries sustained by the co-pilot also proved fatal. Habibur Rahman, too, had received some injuries, but they were not serious. Bose was cremated a day or two later, and the ashes were collected and sent in a box to Tokyo. At Tokyo they were taken to the Renkoji Temple and handed over to the priest in charge. There, they have remained until the present day.

4.3 This version of Bose's end rests on the testimony of a large number of witnesses, Indian as well as Japanese. Several witnesses have described Bose's journey upto Saigon, and they have stated the purpose and ratio of this journey. Four witnesses, all Japanese ex-military officers, claim to have been Bose's co-passengers in the ill fated plane and to have suffered injuries in the crash of the aircraft on Taihoku airfield. Other witnesses saw Bose being taken to the hospital and given treatment. One doctor who attended to his injuries and gave him blood transfusion, another who examined him and signed his death certificate narrated their story in Japan. Other witnesses testified to the factum of Bose's cremation, the transport of his ashes to Tokyo and their being deposited in the Renkoji Temple. The

total number of witnesses who support this story exceeds 30, of whom about a moiety have given evidence of Bose's plan of escape as evolved in the course of his discussion during the days preceding his disappearance.

4.4 The news of Bose's death was broadcast by the Demei News Agency from Tokyo on the 23rd August, 1945. It was later published in several newspapers all over the world.

4.5 An essential ingredient of this story is the reason which prompted Bose to undertake the journey which ended at Taihoku, in other words the purpose and the ratio of this journey. We have seen that the endeavour to liberate India from British dominion had proved abortive. The Indian National Army had suffered a complete defeat in Burma, and the retreat from the battle front had soon taken the form of a rout. Bose withdrew to the comparative safety of Saramban to brood over the catastrophe and to try to devise some means of salvaging what-ever could be salvaged. There, he received a message informing him of Japan's imminent capitulation and the terms on which the Japanese army had agreed to surrender to the Allied forces. Bose had to think quickly, and formulate plans for the immediate future of the INA and his own course of action. His one obsession of fighting the British tyranny and freeing India had never left him, and now weighed upon him more heavily than before. There was also, in addition, the threat to his own personal safety, for he could scarcely hope for amnesty or leniency if he fell into the hands of Anglo-American military authorities. Several alternatives presented themselves before him. He could toe the line with the Japanese, and as helper, collaborator and the recipient of Japanese assistance, both moral and material, accept the same surrender terms and submit himself and the forces he had commanded to the demand of the victors. In doing this, he would impose upon himself the inferior status of a subsidiary ally of Japan, something he had strenuously resisted from the moment he assumed charge of the reconstituted INA, and bent his total energy to the war in Burma. He could not relish such ignominy. A voluntary surrender would not guarantee his life, for the British could try him as a traitor for waging war against them and pass sentence of death upon him. He could refuse to surrender and continue what he clearly saw was a losing fight by rallying his forces and opening another front. But such a venture, if undertaken immediately, was likely to end in disaster. He had not hesitated to face mortal danger on the battle-field, and to die in a venture

which promised success, was for him an act of glory and supreme patriotism. But to undertake a suicidal adventure which would destroy him and the men in his charge would have been nothing short of folly. His undying patriotism and his undiminished confidence in the resources of his physical and mental powers dictated caution and a period of waiting. He had contemplated the possibility of obtaining Russian sympathy and aid in striving for the fulfilment of his dreams. But Russia had aligned itself with the Allies, and had now declared war against Japan. Any overtures he made to Russia could not be made without consultation with Japan, for he was in duty bound to act in collaboration with his friend and helper. The rules of war also dictated such consultation, and most important of all, he would need Japanese assistance in communicating with the Russian authorities. There was yet a third alternative. He could abandon the fight for the time being and surrender to the Allies separately, in his own right as the Head of the Provisional Government of Free India. But for this, too, he must consult the Japanese authorities or, at any rate, notify them and be guided by their advice. Whatever course he adopted, it was imperative that he should discuss his plan with the Japanese headquarters or the Japanese political authorities. The commander of the Japanese forces in South-East Asia was Field Marshal Count Terauchi, who was at Dalat, not far from Saigon. Terauchi might have received advice from Tokyo about Bose's future conduct, or he might be able to obtain instructions from Tokyo. But if Terauchi was unable to help him, Bose might have to go to Tokyo in order to finalise his plan. In any event, it was essential that Bose take immediate steps to arrive at a decision after discussing the whole matter at Dalat or at Tokyo. He had yet made up his mind about what exactly he wanted to do or what was best in the circumstances. Even the two alternatives he was considering (after rejecting the easy but ignominious course of a subservient surrender along with the Japanese) were not quite clearly defined and his plans were vague and amorphous, as of necessity they had to be, in the chaotic conditions prevailing after the Japanese had capitulated.

4.6. Fortunately, we are not compelled to invoke the aid of conjecture or speculation in discovering the true purpose and ratio of what may be described as Bose's last journey. We have, on this point, the evidence of no less than 17 witnesses, eight of whom accompanied Bose on the penultimate lap of this journey. We shall first consider the evidence of the last mentioned eight witnesses. They are : (1) Hachia

(Witness No. 51) who was deputed by the Japanese Government to assist Bose as Minister of the Provisional Government of Free India. He had joined Bose in December, 1944 and remained with him till August 17, 1945. (2) Nigeshi (Witness No. 50) another official of the Japanese Government who had received Bose when he arrived from Germany and had remained with him most of the time. It was he who delivered a letter containing the terms of surrender to Bose at Saramban "a few days before August 15" and accompanied him to Singapore where Bose remained till August 15, 1945. He accompanied Bose and remained with him till the morning of August 17. (3) Gen. Isoda (Witness No. 68) who was Chief of the Hikari Kikan, which was the agency acting as liaison between the Japanese Government and the Azad Hind Government. He joined Bose at Singapore and went with him up to Saigon. (4) S. A. Iyer (Witness No. 29) who was originally in Thailand as Reuter's special correspondent and who joined the INA in June, 1942. Bose had appointed him Minister for Publicity and Propaganda, and had subsequently given him the additional charge of the National Bank of Azad Hind and its fund-collecting committee. (5) Deb Nath Das (Witness No. 3) who had for many years worked in Japan to explain India's independence movement to the Japanese. He was the General Secretary of the Indian Independence League, and had been in Bangkok when Bose arrived there first in June, 1943. He was an admirer and a close collaborator of Bose throughout. (6) Col. Pritam Singh (Witness No. 155) an officer in the British Indian Army who had taken part in the war against Japan. He had been taken prisoner and had then joined the INA. He was placed in the Intelligence Branch of the INA and was one of Bose's trusted lieutenants. He was in-charge of Army operations, and advised Bose as the army representative, though he was not in Bose's cabinet. (7) Gulzara Singh (Witness No. 153), another officer of the British Indian Army, who went to Malaya with his regiment in April 1939, and after the fall of Singapore, was taken prisoner by the Japanese. He too joined the INA and was taken by Bose, as a member of his Cabinet. (8) Abid Hasan (Witness No. 157) who had made Bose's acquaintance in Germany, had accompanied him on the long and perilous journey by submarine to South-East Asia, and had remained with him. He too, was a Minister in Bose's provisional Government, and was a member of his personal staff.

In addition to these 8 persons, Habibur Rahaman also accompanied Bose on his last journey starting from Bangkok.

4.7. It will be seen that all the 8 witnesses named above were natural witnesses. They had a reason for being with Bose at the end of the war and during the brief period of his last journey. Bose had been consulting most of them, particularly Hachia and Gen. Isoda among the Japanese, and the remaining 5 Indian witnesses because they were either on his personal staff or were members of his Cabinet. It is clear that all 5 of them were completely devoted to Bose and had the greatest admiration for his talents, his dedication to duty and his organising abilities. It may be said that they blindly submitted to his orders without question. At the same time, it must be remembered that a period of more than 25 years has elapsed between the events in which they participated and their narrative of these events before the Commission. Human memory is liable to become foggy and misty, after the lapse of so many years, and the recollection of old events is seen against the light of subsequent happenings and, to a great extent, is modified by wishful thinking. Nevertheless, the evidence of these witnesses clearly shows that Bose had made up his mind to find a means of proceeding to Russia, if he could obtain the consent and the assistance of the Japanese in this venture. He had, on a previous occasion, tried to approach the Russian authorities through the Japanese, but the Japanese had not proved very helpful for reasons which are easy to understand. For, although at that time Russia had not specifically declared war against the Japanese, Russia was aligned with the Allies against the Axis forces. Russia had fought Germany and beaten back the Nazi armies from its territory on the Western front. Bose had hoped that the Russians with their old anti-British history, would be willing to help him or, at any rate, give him asylum for some time. He, therefore, asked the Japanese to convey him to some place where he would finalise his plans to go to Russia or to do whatever else appeared feasible. Hachia had stated that at Bangkok, Bose told him that he would like to go to Japan. Gen. Isoda was present at this conversation. When questioned, Hachia said: "May be, his idea was to go to Manchuria, but he said he would like to go to Japan." He went on to say that Bose requested Gen. Isoda to make transport arrangements. He accompanied Bose's party from Bangkok to Saigon. Nigeshi's evidence is that he delivered a letter containing the terms of surrender to Bose at Saramban and accompanied him to Singapore on August 15, 1945. The party consisting of the 8 witnesses named above, Col. Habibur Rahman and few others travelled from Bangkok to Saigon in two bomber planes. He was not able to say what Bose's plans were, but it was never said at any time that Bose was going

directly to Russia or to Manchuria from where he would make his way to Russia. He does, however, say that Bose intended to see Field Marshal Terauchi, and the interview was to be arranged by General Isoda. Therefore, this witness, too, speaks of Bose's resolve to consult the Japanese authorities before he finalised his plan.

4.8. General Isoda, as has been stated already, was the Chief of the Supreme Liaison Organisation, Hikari Kikan, and as such, was the liaison between the Japanese Government and the Provisional Government of Free India. He was at Bangkok when Bose arrived from Rangoon. He remained there during Bose's brief visit to Singapore, and accompanied him up to Saigon. At Saigon, Bose was informed that a plane was going to Tokyo, via Dairen, where General Shidei had been posted. Only one seat was available in this plane. It was necessary to obtain Terauchi's authority if Bose insisted on taking any member of his staff with him. Isoda, therefore, undertook to go to Dalat and obtain Terauchi's orders in the matter. Isoda could not meet Terauchi at Dalat, but a Staff Officer told him that Bose would be allowed to take only two members of his Cabinet along with him. On his returning to Saigon, Staff Officer Tada told him that only two persons in all would be allowed to board the plane. General Isoda speaks of Bose's plan to go to Russia. When questioned about the purpose of the flight, he said: "The purpose of his flight was to go to the Soviet Union, and with the aid of the Soviet Union, he was to continue his independent movement. That was the aim of his mission. After reaching Dairen, if time allowed he had intended to go to Tokyo to express his gratitude for the Japanese help and also to collect some supplies from Tokyo. I thought no such time would be available to him for going to Tokyo. The main purpose of Mr. Bose was to go to the Soviet Union and his desire to go to Tokyo was only secondary." This point was further emphasized by Isoda when he spoke of his intervention to secure more seats for Bose's party on the plane. The flight had been primarily arranged for General Shidei who had to reach Dairen immediately, before the American army authorities arrived in Saigon to enforce a categorical ban on all Japanese aircraft movement. Isoda argued with Bose asking him not to reject the offer of two seats and thus miss the opportunity of escaping from Saigon. "So, I suggested to Mr. Bose that he should accept that arrangement for going to Soviet Russia." When Bose was given an assurance that arrangements would be made to send the remaining members of his party, later, to join him, he agreed.

4.9. Iyer's evidence highlights the fact that Bose held long discussions about his future course of action with his Ministers at Saramban, Singapore and again at Saigon. Russia had loomed large on Bose's mental horizon as his avenue of escape, his refuge and his possible hope for the resumption of his labours to free India from British bondage. But the declaration of war by Russia was a fresh development which had to be taken into account, necessitating, as it did, a reconsideration of the provisional plan. A series of meetings was held at Singapore daily, from the evening of August 12 till the midnight of August 15. At first it was contemplated that Bose and his Ministers should stay on at Singapore and allow themselves "to be taken prisoners by the British, who were expected at any time." Mr. Saka arrived from Bangkok and the discussions then took a different turn. It was finally decided that they must all leave Singapore. "The final decision was to get out of Malaya and Singapore definitely, to some Russian territory certainly, to Russia itself if possible. Netaji described this decision in his own words as 'an adventure into the unknown'."

4.10. On the morning of August 16, the whole party flew from Singapore to Bangkok, where Bose and his Cabinet spent the night. On the morning of August 17, the party, augmented by some Japanese military personnel, left Bangkok in two bomber planes and flew to Saigon where they arrived before noon. At the Saigon airport, hurried consultations took place. As a result of these, General Isoda flew to Dalat to consult Field Marshal Terauchi. Bose and his party, in the meantime, drove into the town to await developments. Soon a messenger came and said that a plane was ready to take off; only one seat in it was available and Bose should reach the aerodrome immediately to avail of it. The messenger did not know the destination of the plane and Bose declined to leave till he was enlightened on this point. Iyer went on to say: "Half an hour later, General Isoda, Hachia and a senior Staff Officer arrived at the Bungalow and went into a conference with Netaji in one of the rooms. Col. Habibur Rahman was asked to join this conference. Some time later, Netaji and Col. Habib came out, leaving the Japanese behind. Maj. Abid Hasan, Deb Nath Das and myself followed Netaji and Col. Habib into Netaji's room. Col. Gulzara Singh and Col. Pritam Singh were urgently summoned. Netaji said: 'Tell them not to bother about that dress. I have no time to lose. We have to take important decisions and that, too, without a moment's delay.' They joined us and the room was bolted from inside, and Netaji stood in the middle, and we stood around him. He looked at each one's

eyes and said: 'Look here. There is plane ready to take off in the next few minutes, and we have to decide something important right now. The Japanese say that there is only one seat to spare, and what we have got to decide in a few seconds is whether I should go even if I have to go alone.' All of us felt it was a terrible decision to take.....we said: 'Sir, please for Heaven's sake, insist on the Japanese giving you one more seat and if you still cannot get it then you had better take the one seat and go. Also please insist that the Japanese should provide us with transport as soon as possible to take wherever you might be going.'

4.11. Iyer went on to say that they believed that the plane was bound for Manchuria, but Bose did not specifically mention the fact. The plane finally took off, carrying *inter alia*, Bose and Habibur Rahman. Two days later, Iyer was informed that a plane was leaving for Japan on the 20th, and one member of the party could be accommodated in it. Actually, all the remaining members were given seats in two planes and were flown to Hanoi from where they were to fly to Japan.

4.12. It appears from Iyer's evidence that, at Saigon, the Japanese made a change in Bose's programme not only with regard to the persons who were to go with him, reducing the number to one (Habibur Rahman), but also with regard to his ultimate destination.

4.13. This change of plan is specifically mentioned by Deb Nath Das, though his evidence is somewhat contradictory and muddled, either because his memory is deceiving him or because he was overcome by emotion as, at one stage of his deposition, he frankly confessed. His story is a little different in detail from the story given by the other witnesses, though the differences are inessential and do not amount to contradictions. He spoke of three alternate plans which had been discussed and prepared even before the end of the war. One plan was to take Bose by plane and drop him somewhere in India, where he could join the national movement and carry on the fight against the British along with the Indian freedom fighters. The second plan was that Bose should go to Yunan, the headquarters of Mao Tse Tung who would help him to carry on his campaign against the British. The third plan was that Bose should go to Russia directly. Das was somewhat confused about the procedural mechanics of these plans, but he stated that Bose had asked him to prepare the first plan, and when he met him at Bangkok, he was asked if the plan was ready. Das replied that it was. But the subsequent conduct neither of Das nor of Bose indicates that Bose ever

gave any thought to the idea of going to India and internally taking part in the freedom struggle, because immediately after asking him if the plan was ready, he asked Das to collect his baggage and get ready to leave with him immediately. He gave no indication of where he would be going, nor did Das question him about the matter. To explain this changed conduct, Das said that Bose might have intended to fly to a place of safety, remain underground for sometime and then make an entry into India. But in view of the fact that Bose had been discussing the matter about his future plans repeatedly with his Ministers, it is scarcely possible that he should have observed such secrecy, amounting almost to deception, just before he was leaving Bangkok. About the Russian collaboration, Das said that several weeks before the end of the war, "when we negotiated with the Russian Embassy in Tokyo, with Jacob Malik through the (Japanese) Foreign Minister, Shigemitsu, we received a letter from the Japanese military authority in Tokyo, stating that it would not be feasible on the part of Japan to send Netaji to Russia." But the surrender of the Japanese introduced a fresh factor into the entire scheme of Indo-Japanese relations. The Japanese were no longer masters of themselves, nor could they handle any difficult or complex arrangements for carrying Bose and his party to a place of his choice. They agreed to let him surreptitiously escape to Dai-ri where Gen. Shidei was being sent and whence Bose could make his way to Russia. This would not involve the Japanese in any infringement of international law, nor cause them any diplomatic embarrassment. But according to Das, there was a sudden change of plan at Saigon. His statement before the Shah Nawaz Khan Committee was that Bose was to be taken to Tokyo. Bose felt very unhappy and said: "I don't know why they are changing the plan and specially they are telling me that I should go alone". When he appeared before me, however, Das said that Bose may have mentioned the matter of change of plans but he did not say that he was being taken to Tokyo. It is possible that this slight change is actuated by Das's desire to assert that the destination of Bose's plane was not Tokyo.

4.14 Pritam Singh stated that he dined with Bose on the evening of August 13 or 14, after the Japanese had surrendered. Bose consulted him about future strategy and if the INA too should surrender. "My suggestion" says Pritam Singh "was that there were already thousands of men behind the bars. We would just add to their number. Then I suggested to him that we had better open a second front. Then he told me that contact had already been established with Russia, and we would try to move toward

that direction:" Pritam Singh, when questioned further on this point, stated that he overheard some talk about Bose going to Tokyo to discuss the matter of a separate surrender, but he was not sure who talked and what exactly was decided. His impression was that Bose and his party were going to Russia.

4.15 Gulzara Singh was somewhat vague about the matter. When, at Bangkok, Bose asked him "Chalega (will you go)", the witness replied in the affirmative, without enquiring where Bose was going and what was to be his mode of travel. At Saigon he heard that Bose's ultimate destination was Russia.

4.16 Abid Hasan's evidence is that he was at Bangkok on August 16. Bose, who had returned from Singapore, called him and told him to get ready to accompany him to Tokyo. At Tokyo, Bose would formulate his further plans. The party flew to Saigon, and from there, only Bose and Habibur Rahman were accommodated in the plane that went further. Abid Hasan's statement on this point is not wholly reliable. His memory failed him in several details, but he did say that the plane in which Bose left Saigon had to touch Taipeh for refuelling. There is, therefore, no categorical contradiction of the evidence given by the other witnesses on this point.

4.17 We next have a group of witnesses who did not travel beyond Bangkok and who were concerned in formulating Bose's plans before that stage. The most important of these are Lt. Gen. Morio Takakura (Witness No. 71), Watanabe (Witness No. 54), A. M. Sahay (Witness No. 164) and Ishar Singh (Witness No. 140). Their testimony is supported by the evidence of M. S. Doshi (Witness No. 35), Maj. Gen. Alagappan (Witness No. 75) of the INA, Dr. Vasava Menon (Witness No. 79), Samsul Zaman (Witness No. 10) and Sen Gupta (Witness No. 28).

4.18 The evidence of Lt. Gen. Morio Takakura is that after the end of the war, there was danger of Bose being arrested by the Americans if he went to Tokyo. So, it was decided to send him to Manchuria where Gen. Shidei was being posted. The witness said: "Two months before the surrender of Japan, I went to Bangkok where I met Gen. Terauchi and Chandra Bose, and Lt. Gen. Isoda. As a result of this conversation, Mr. Chandra Bose agreed to cooperate with the Japanese forces in the Southern Area. There was a decision among Japanese military circles that it will be better for Mr. Chandra Bose to go to some area where he could have freedom of action than coming to Japan because he might have been arrested, had he come to Japan. So, it would be better for him to go to such a place, for instance, Soviet-Manchuria border.....Lt. Gen.

Shidei was on transfer to Kwantung army.....that is why Mr. Chandra Bose went with him.....The Headquarters at Tokyo accepted the plan of Netaji for his going to Russia via Dairen and the Headquarters selected Lt. Gen. Shidei to accompany Netaji." Takakura is an entirely disinterested witness, and there is no reason why reliance should not be placed on his testimony.

4.19 Watanabe made a similar statement. He joined the Hikari Kikan, and when the war ended, he was at Bangkok. He said that he conveyed a message to Bose that Japan would be unable to continue to provide aid to him. On this, Bose expressed a desire to fly to the Soviet Union. He was to fly from Bangkok to Saigon and then to Japan via Formosa. The witness went on to say that Gen. Isoda and Hachia were present when this scheme was formulated. Watanabe had made the same statement before the Shah Nawaz Khan Committee.

4.20 Ishar Singh was President of the Indian Independence League, Thailand Branch. He was Adviser to the Azad Hind Government, and was appointed Minister of State by Bose. His evidence is that when the Japanese surrendered, Bose went to Bangkok and discussed his future plans of going to Russia and seeking Russian help. Before leaving Bangkok, Bose told the witness that he did not want to be taken prisoner by the Americans, and would like to go to Russia to keep alive the Indian Independence movement. "He said he would try to go to Manchuria. This decision was arrived at when we advised against his surrender, because we said that, with his surrender, the independence movement would die."

4.21 Maj. Gen. Alagappan of the I.N.A. was at Singapore till Bose left on 16th August, 1945. He was the Chief Administrator of the Indian independence movement and of the I.N.A. in Burma. He says that they came to the conclusion that only Russia could give asylum to Netaji. He, therefore, worked out a chart of the land route from Hanoi to Herban in Manchuria. He does not know in detail what the final plans of Bose were, but the witness thought that Bose would attempt to make his way to Manchuria and then to Russia.

4.22 Dr. S. Vasaya Menon joined the I.N.A. as a medical officer. He was present at Bangkok when Bose left for his last journey, and went to the aerodrome. His evidence is that from Bose's conversation he gathered that he was going to the Manchurian Border.

4.23 Samsul Zaman and M. S. Doshi are witnesses who met Bose for the last time in April, 1945. Both

of them say that the matter of Bose's future plans had been considered as early as April, and it was decided that in the event of a Japanese defeat, Bose would make his way to Russia. Samsul Zaman says that the original plan of sending Bose to India had to be abandoned as it was likely to prove too perilous and unrewarding.

4.24 Sen Gupta gives a somewhat unbelievable story of Bose giving him a letter, the contents of which envisaged a faked air crash, but the letter was not produced and, according to the witness, was confiscated by the Allied forces when his house was raided after the end of the war. He also claims to have received from Bose a gold chain intended for his wife. This chain was sold when Sen Gupta was in financial difficulties. We may disregard the evidence of this witness, although he, too, says that that Bose had planned to go to Russia through the Manchurian border. He even said that necessary arrangements for Bose's journey to Russia had been made.

4.25 A. M. Sahay's evidence is that the Japanese had proved unhelpful in establishing contact with the Russians because they did not like the idea of Bose coming into contact with any third party. Bose, however, had to contact the Russians through the Japanese because, without Japanese assistance, he could not hope to travel to Manchuria. Sahay went to Hanoi on 31st July, 1945 and stayed there. He, therefore, cannot say anything about Bose's last minute plans, but so far as his evidence goes, it corroborates the testimony of all other witnesses with regard to the fact that Bose's plan was to go to Russia via Manchuria.

4.26 This is the most important, the most natural and the most reliable evidence relating to the purpose of Bose's journey from Bangkok to Saigon and onward. The witnesses are almost unanimous in saying that Bose's plan was to escape to Russia where he hoped to rally support for his cause of liberating his country from the British rule. Wisdom, tactics, strategy and the desire for self-preservation, all dictated this move, and the Japanese were prevailed upon to provide him the means of at least setting out on what he called his adventure into the unknown.

4.27 We thus find that Bose's intention and purpose are completely consistent with the story of his arrival at Taihoku. Indeed on no other hypothesis can his taking a seat in Shidei's plane flying from Saigon toward Manchuria be explained.

(ii)

4.28 Let us revert now to the course of Bose's journey beyond Saigon. We have already seen that he and Habibur Rahman boarded a Japanese bomber at the Saigon airport and took off for their destination. This happened at 5 P.M. on 17-8-1945. The subsequent events are deposed to by a number of witnesses, of whom four actually claimed to have travelled with Bose on the plane. The story narrated by these witnesses, in brief, is that the bomber arrived at Tourane at 7.45 P.M. It was too late to proceed further that day and so the crew and the passengers spent the night at Tourane. Early the following morning, the same crew and passengers took off from Tourane at 7 A.M. They arrived at the Taihoku airport, in north Formosa, at about 2 P.M. Here the plane was attended to by flight engineers, and a light lunch was taken by the passengers. It was reported that there was something wrong with one of the engines, but the snag was attended to and the pilot declared his satisfaction with the flight worthiness of the plane. The passengers, accordingly, embarked and the pilot took off at 2.35 P.M. Within a few moments, however, an explosion was heard and the plane crashed within the precincts of the airfield. The body of the plane broke into two and it caught fire. The pilot and General Shidei died instantaneously, the remaining crew and passengers received serious and light injuries and were able to come out of the plane. The second pilot, Aoyagi, had been badly injured and he died in the hospital the same night. Bose's injuries were also serious and he was seen to be almost completely on fire. The fire was extinguished by Habibur Rahman and others, and he along with the other injured persons was hurried to the military hospital which is at a distance of about 4 kilometres from the airport. Bose was treated for his injuries, and although he recovered his senses intermittently and was given a number of injections and also blood transfusion, he succumbed to the burn injuries after a few hours. Subsequently, his body was cremated and the ashes were sent to Japan where they were placed in a receptacle which was lodged in the Rōn-koji temple.

4.29 The most important witnesses of this story are the four persons who claim to have travelled in the bomber plane. They are Lt. Col. Sakai (Witness No. 47), S. Nanogaki (Witness No. 53), an army officer who was also posted to Manchuria and had to go there with General Shidei, Taro Kono (Witness No. 63), who was a Staff Officer attached to the 7th Air Division, and acted as navigator of the bomber from Saigon onward, and finally, Takahashi (Witness No.

65), who was a Staff Officer attached to the 15th Army.

4.30 Since the evidence of these witnesses was criticised on the ground that their testimony was discrepant, it is necessary to quote from their statements a few passages. The evidence of Lt. Col. Sakai is that there were 8 passengers and the crew in the plane. He mentioned that, in addition to Bose and Habibur Rahman, Kono, Takahashi, Arai and Gen. Shidei travelled on the plane. He said that the crew and passengers stayed at Taipei for about one or two hours. Lt. Col. Nonogaki was sitting facing him, Takahashi and Arai were behind him. Bose and Rahman were ahead of him, but from where he sat, he could not see them. Describing the crash, the witnesses stated :

"The plane started, using almost the full length of the runway and took off, and at 30-40 meters above the ground, the plane leaned towards the ground. Although I am not an expert in navigation, we looked outside to see what had happened. At that time I saw the ground was coming up, and so I thought forced landing may be inevitable under such circumstances. Then the rear wheel of the plane struck hard on the ground and I saw it moving towards the left side. . . . There was no explosion. As soon as I saw the rear wheel breaking away, as I was seeing from the aeroplane cockpit window, I hit the ceiling of the cockpit and became unconscious.

"Q : Did you recover consciousness while you were still in the plane? Witness : I felt very hot and recovered my senses.

Q : Did you jump out of the plane? Witness : I found myself lying on the ground. My sleeves were burning and I rolled myself to put the fire out. My memories for the period before I was treated medically are very broken. . . . I was the first, among our group, except perhaps Mr. Chandra Bose to be put on the operation table. The doctor checked me and found my injuries were not so serious. So I was treated in the last. When I was put to bed in the next room, I was told by a young woman who was attending on me, that there was Mr. Bose lying in the bed opposite to my bed. . . . I learnt later, after I was taken to Hokuto Army Hospital, that Mr. Bose had died."

Lt. Col. Sakari did not appear as a witness before the Shah Nawaz Khan Committee because when the Committee visited Japan, the witness had gone to Taiwan and was not available.

4.31 The next witness is S. Nonogaki (Witness No. 53). According to him, the plane carried Gen. Shidei, Kono, Takizawa Sakai, Arai, Takahashi, Bose and his Indian aide, the pilot and three others, and himself, a total of 13. The story of the crash is narrated by him in the following words :—

“Immediately after we took off, the propeller on the left engine was torn off, and then the engine broke and the plane crashed into a bomb crater. I believe it was over the end of the runway. The plane crashed near the end and not beyond the runway.

Q: Can you remember how high the plane had risen before it fell? Witness: I feel it was about 20 meters from the ground.”

The witness went on to say that he received injuries. He saw Bose wrapped in flames and “his aide was trying to put out the fire. Chandra Bose was standing. The aide was not in such a serious state. Gen. Shidei did not come out. I saw the pilot coming out, but I did not see Major Takizawa and the three members of the crew coming out. The injured were taken to the hospital. It took about 20-30 minutes by car. I also went to the hospital.”

4.32 Regarding Bose, the witness said that he was more or less naked because his clothes were burnt and he had been completely bandaged. He went on to say that he was in the same room as Bose. The doctor who attended to them was Dr. Yoshimi, and Bose, who was very severely injured, was the first to receive treatment. Later the same night, the witness learnt that Bose had died at 11 p.m. He also learnt that Gen. Shidei had died instantaneously in the plane. The witness' injuries became worse and he was taken to the hospital at Fukuoka where he stayed for three weeks.

4.33 The third witness is Taro Kono (No. 63). This witness acted as the navigator of the plane from Saigon onward. According to him, there were 13 persons in the plane, i.e. Gen. Shidei, Aoyagi, Takizawa, Takahashi, Nonogaki, Arai, Sakai and engineer, two radio officers, Bose, Habibur Rahman and himself. The story of the crash is narrated by him in the following terms :

“After we took off and the altitude was about 20-30 meters from the ground, the left propeller was blown off and the left engine

was torn off and the plane leaned towards the right and nose-dived. The plane hit from the right wing against the dike within the compound of the airport. After that I saw many baggages flying against me from the rear and Lt. Gen. Shidei was sitting by my side, and behind Lt. Gen. Shidei there was a fuel tank which was broken and hit against the head of Gen. Shidei and I found him dead. Pilot Takizawa had his face hit against the steering handle and he was injured in the face and he also died. To the left in front of me, there was Pilot Aoyagi. He had his both legs stuck in the broken part of the plane and he was unable to move. Behind me, there were Mr. Bose and Mr. Rahman, but because the tank was broken and came in the way, I could not see them. Between myself and Pilot Aoyagi there was a non-commissioned Engineer, but I do not remember what happened to him. Afterwards I tried to pull out Aoyagi, but I could not do it. He was caught in the broken part of the plane. I think it was about 2-3 minutes while I was looking about persons in this way when the plane caught fire. The fire started from the left engine, which was torn off, and the fire came towards me. So, I thought I had to get out immediately. I broke the window above and I got out from there. I got out and stood on the left wing of the plane just above the broken engine. When I jumped down from that part of the wing, I was showered with gasoline from the broken engine and I caught fire. I rolled on the grass nearby to put out the fire, and I put out the fire in that way. After that I was sitting quietly on the ground for a little while. Then Col. Nonogaki came to me. The plane was broken in three parts generally and we saw Mr. Bose coming out of the fire from a little bit behind from the middle of the plane. He was completely wrapped in flames and he stood erect with both hands stiff, like a guardian God in Buddhist shrines. Perhaps his shirt was burning. Then I saw that his aide came and tried to put out the fire and tried to remove his shirt. I saw only to that extent. Then the airport crew came to us by car, and Mr. Bose was taken by the first car and I was taken in another car. Both the vehicles in which we went were trucks. The vehicle in which I was taken was a car which is

used to start the propeller of the planes. After that I was hospitalised at the Army Hospital in Taipei. So what I have seen about Mr. Chandra Bose was to that point that he was put in the car. That was the last I saw of him. I was taken to the same hospital where all other injured were taken."

The witness went on to say that very night he was removed to the Hokuto Army Hospital where also were taken Nonogaki, Aoyagi, Rahman, Sakai and "perhaps Takahashi too." He said that Aoyagi died in the hospital.

4.34 Since he was the navigator of the plane, he was questioned about the condition of the engines. This is what he said:

"The condition of the engines was normal both at Saigon and at Tourain. Before the departure from Taipei, there was a slight engine trouble. The engines were checked at Taipei. When we were testing the engines, when it exceeded 2000 rotations, there were vibrations in the left engine. We stopped the engine and checked it, but we could not find any defects. Then we started the engine again, but we did not see any vibrations at all, but I do not know why. I am going to tell you what I have heard from Major Li who is a friend of mine. . . . I thought of telling the story because it has relevance to that question. I was told later by Major Li that three months before the air crash, the same plane when it began to land at Saigon, the plane overran the runway and fell in the ditch at the airport and the propellers were broken. At that time all the propellers were bent, but there was no replacement of propellers at Saigon and the propellers were repaired and not replaced. Then the same plane was given to us. The vibrations we felt in Taipei might have been caused by some cracks in the propellers."

4.35 Regarding Bose's end, the witnesses said that he heard that Bose had died at about 7 o'clock on the evening on the 18th of August. He was then in the same hospital where Bose was being treated.

4.36 The last witness in this category is Takahashi (No. 65). According to him, there were 14 persons on the plane including Bose, Shidei, Nonogaki, 4 members of the crew, the witness and Habibur Rahman. He said that the plane left Taipei at about

1.30 p.m. and when the plane crashed, he lost his senses. His leg was fractured but he was able to see Bose coming out of the plane with his clothes all on fire. The incident was described by the witness in the following words:—

Mr. Takahashi: Immediately after we took off, the plane crashed.

Q: Can you remember how high the plane was at that time?

Mr. Takahashi: I cannot exactly remember how high we were. I think we saw big trees towards the right. I presume it was about 30 meters high.

Q: Can you tell us when the plane crashed?

Mr. Takahashi: I was sitting in the rear portion of the plane surrounded by the baggage. There was no seat then. I heard noise.

Q: Can you say what kind of noise?

Mr. Takahashi: I heard a sound like crashing then. I think the plane leaned towards the left and crashed on the ground.

Q: What happened then?

Mr. Takahashi: The plane caught fire. The plane was broken. The doors were opened. I lost consciousness and when I regained my consciousness I was sitting in the baggage inside the plane, when I got up the plane was burning. I had my left leg fractured, and I crawled out of the plane. A little after I had crawled out, I saw Mr. Bose coming out from the other door. I do not exactly remember whether it was the broken portion of the plane. He came out walking with his clothes on fire. I could not speak his language. I showed him by rolling myself on the ground how to put out the fire. Mr. Bose followed me and himself rolled on the ground. I and his aide tried to put out the fire. We extinguished the fire. Then I lost my consciousness a second time. I regained my consciousness rather immediately. I saw Mr. Bose was being taken to a car and I was taken into another car and we went to the Taipeh hospital where I saw Mr. Bose in the next room. Mr. Sakai, Nonogaki and myself had minor injuries and were in the same room and in the next room Mr. Bose was lying.

The witness heard from Nonogaki that Mr. Bose had died the same night.

4.37 The evidence of these four witnesses finds ample corroboration in another group of witnesses, 11 in number. Of these, the most important is Dr. Yoshimi (Witness No. 72), who was acting as the

Chief of the Branch Hospital of the Taihoku Army Hospital. It was to this Branch Hospital that the injured persons, including Bose, were taken. His story is that he received a telephone call from the airport about the aircrash, and he waited to receive the injured persons. Two of the persons who arrived were foreigners and he was told that they were Indian nationals. He was further told that one of them was Bose and the other was his aide. Regarding Bose's injury, the witness said: "The injuries were burns all over the body. Mr. Chandra Bose suffered general burns all over the body, and his aide had slight injuries on his head, on his face and on his right hand. The other 5 persons mostly suffered burns and bruises." He went on to say that Bose was conscious when he was brought to the hospital. "when he was brought in the hospital, he was naked. He was brought on the stretcher. He was naked but was covered with a blanket." The witness treated Bose who remained conscious for 7 or 8 hours. The treatment he gave him consisted of giving an injection of ringer solution and blood transfusions. The blood transfusion was operated by a surgeon from the Army Headquarters and not by Dr. Yoshimi. Dr. Yoshimi was present when Bose died, later the same night, and he prepared a death certificate which he signed. The witness was shown a photograph of Bose, which is printed in Suresh Chandra Bose's Dissenting Report and he confirmed that this was the same person whom he had treated on the 18th of August, 1945.

4.38 Another important witness of corroboration is Lt. Genl. Fujiwara (No. 45). His evidence is to the effect that he was in the hospital at Fukuoka to which Nonogaki (Witness No. 63) and Takahashi (witness No. 65) were brought for further treatment on 20-8-1945. From these two persons he heard the story of the crash. They remained under treatment for bruises and injuries which the witness himself saw and which they said they had suffered in the crash of the plane in which they and Bose had been travelling and which had crashed. Gen. Fujiwara saw the two eye-witnesses of the crash, shortly after the accident and heard their story. He also saw injuries on their persons, and so his corroborative testimony has considerable probative value. Gen. Fujiwara travelled from Tokyo to Delhi to tender evidence in the Red Fort trial of the INA officers. Habibur Rahman travelled with him on this occasion, and the witness saw that Habibur Rahman had burn injury marks. He heard from him that he (Habibur Rahman) had sustained these injuries in the aircrash in which Bose sustained fatal injuries. The following extract from the witnesses' statement is relevant:

"Q: I would like to know that the substance of your evidence is that in the hospital you heard the

story of the aircrash and this story was not contradicted by anyone at any stage afterwards.

Witness: Yes.

Q: And you have met three of the eye-witnesses, i.e. Nonogaki, Takahashi and Habibur Rahman?

Witness: Yes.

Q: And none of these three witnesses ever contradicted the story of the aircrash or did they contradict it?

A: None of them contradicted it. About the aircrash, the Imperial Headquarters of the Japanese army announced this air accident."

4.39 Another important witness who corroborates the story of the four eye-witnesses of the crash is Dr. Yoshio Ishii (Witness No. 69). He was the Lieutenant Surgeon in the Taipei Army Hospital in August, 1945. His story is that at 3 P. M. on August 18, he heard cries of some patients in the ward, about 20 metres from his place. He saw that a nurse was giving blood transfusion to Mr. Bose but she was finding difficulty in doing so because she could not find the vein. He is a children's Surgeon and accustomed to delicate and careful handling of patients. He was able to locate the vein in Bose's arm and helped the nurse to guide the needle into it. The blood transfusion, however, did not lead to any improvement in Bose's condition which was very serious. In fact, the doctor thought that Bose would die very soon. The next morning he saw a coffin being carried out and he was told that it contained Bose's body.

4.40 In his own words, the story is as follows:

"When I went to the ward, a nurse was giving blood transfusion to Mr. Bose but she was finding it difficult to get the needle to go into his vein.

Q: How did you know it was Mr. Bose?

A: The nurse asked me to give the blood transfusion to the patient. Since I had to first ascertain the name of the patient before treating him, I asked the name of the patient and the nurse told me that that gentleman was His Excellency Mr. Bose.

Q: Did you never meet Mr. Bose before?

Witness: I knew him by name only. But I had never met him before.

Q : Were you able to see his face ?

A : The patient was bandaged when I was about to give the injection.

Q : What part was visible ?

A : I could see his eyes, some part of the nose and mouth."

*He went on to say that about 100 c.c. of blood was transfused into Bose's body but no appreciable improvement could be observed. He found that Bose's blood was very thick. "So I thought he was going to die very soon. I then saluted him and left the room."

4.41 The next witness of corroboration is Lt. Col. Shibuya (Witness No. 70). He was posted at the Army Headquarters at Taipei. He received a telephone call from the Airport Battalion Headquarters that a plane carrying some Indian had crashed at the airport. He went to the airport and saw the wreckage lying beyond the concrete runway. Then he went to the hospital and saw a bandaged person who, he was told, was Bose. He spoke to Bose's aide, who was an Indian, whose name he could not remember, but there can be no doubt that the witness meant Habibur Rahman. There were some Japanese officers also lying injured in the hospital and Dr. Yoshimi was there attending to them. Next day, the witness heard that Bose had died. He heard later that Bose's body had been cremated but he could not remember whether he attended the cremation. The witness was confronted with his previous statement made before the Shah Nawaz Khan Committee, when he had said that Bose was dead when he reached the hospital. This may be due to lapse of memory on his part because he does not claim to have spoken to Bose and said that he saw him lying in bed all bandaged up. The witness also met Mr. Sakai (Witness No. 47) and saw his injuries.

4.42 Another witness of corroboration is Koji Takamiya (Witness No. 52). This witness was a member of the Japanese Military Police at Taipei. He was at Gendarmery Headquarters, 2 Km from the airport where he heard that Chandra Bose had been injured and Shidei had been killed in an aircrash. He was told that about 10 persons had been injured in the accident which took place at about 2 p.m. on the 17th or 18th of August, 1945. He received this message from Nonogaki and immediately went to the Hospital. There he saw Bose lying in bed, and the next day he heard that Bose had died. He knew Nonogaki very well and Nonogaki told him that he himself had been injured in the crash.

4.43 Another witness is Tadashi Ando (Witness No. 46), a military staff officer of the press at Taipei. He said that he heard of the aircrash on August 18, 1945 when he was in his camp about 4 Km from Taipei. He went to the spot and heard of Shidei's death in the crash. He saw the wreckage of the plane and learnt that Bose had been taken to the hospital in an injured condition. The next day he heard that Bose had died.

4.44 Another witness is Kenichi Sakai (Witness No. 67), a Commander of the Air Force Battalion at Taipei, whose office was about 4 Km from the airport. He says that on being informed about the aircrash, he went to the airport, where he reached about 3 P.M. He saw the plane burning about 10 or 20 meters from the runway. The injured persons, by then, had been moved to the hospital and the military police was guarding the wreckage. He was told by the Chief of the Aerodrome Unit that Bose had been injured in the crash. He saw some ornaments and jewellery, e.g. necklaces, chains, rings, bank-notes etc. lying on the airfield and these were collected by the members of the military police. The plane was a heavy bomber. The witness did not go to the hospital.

4.45 The next witness is General Isoda (Witness No. 68). He accompanied Bose up to Saigon, although he was in a different plane. He has described the story of the journey from Bangkok to Saigon, which has already been related above. He saw Bose take off from the Saigon airport in a Japanese bomber along with General Shidei, Habibur Rahman, etc. He heard later that Bose had died. It may be pointed out here that there are a number of discrepancies, about minor details, between the statement which he made before this Commission and what he said before the Shah Nawaz Khan Committee.

4.46 Another witness is Shigetaka Suriure (Witness No. 66). He was the Staff Intelligence Officer posted at Taipei. He says that he received advance information of the arrival of the bomber in which Bose was travelling on 18-8-1945. He was in his office near the airport and went to the airport and was present when the plane arrived. He heard of the aircrash but did not see it nor did he go to the hospital afterwards to see the injured persons. The importance of the evidence of this witness is that he had advance information of Bose's arrival at Taipei, and he deposes that the aircrash took place the same afternoon.

4.47 Another witness is Lai Min Yee (Witness No. 203). This witness was working in the transport section of the Japanese army at Taipei. His

story is that he heard of the plane crash in which an Indian leader was involved. He went to the airport and saw that the Japanese soldiers had cordoned off the site and did not permit anyone to go near. This happened three days after the surrender by Japan which took place on 15-8-1945. According to him the plane started and hit a high wall of the temporary railway track and smashed before it crossed the Keelung river.

4.48 The last witness in this category is Chang Chuen (Witness No. 207), who was working in the Japanese Army Headquarters in the Guards Section at Taipei. His story is that on the 20th August, 1945, he was ordered to go to the hospital and stand guard on Bose's coffin on which was written the name of Chandra Bose. He also saw some injured persons there. On the following day, i.e. 21st August, 1945, a truck came and carried the body to the crematorium. His story about the coffin is given in the following words:

"The coffin went in a Japanese military truck and we went with it to Hsinsheng North Road Crematorium. The crematorium is still in existence. When the coffin was taken out of the truck, the keeper of the crematorium came and said the coffin was too big to enter the furnace. So, we opened the box, which was filled with calcium oxide. The Japanese ordered to pull the dead body from the coffin and it was wrapped in a cloth and a Japanese army blanket. When the dead body was taken out of the coffin, the Keeper of the Crematorium immediately prepared two big planks which could enter the furnace for cremating. When the two keepers of the Crematorium lifted the dead body, it was too heavy for them to take. They asked for help and I and my colleague assisted them in taking the dead body up to the mouth of the furnace and pushing it in. After we saw that the door of the furnace was closed, the Keeper brought some disinfecting fluid to wash our hands and then we left the crematorium."

Questioned further, the witness stated that the person who was cremated was a very important person, and that is why a standing guard was posted to honour the body.

4.49 This then is the story of the crash and Bose's death as the result of the injuries sustained in the crash, deposed to by four eye-witnesses and eleven

other persons who corroborate them. There is no reason at all why these witnesses should have conspired to concoct a totally false story and deposed to it on oath. Witnesses do tell lies on oath, but there is always an understandable motive which prompts them to commit perjury. It may be enmity against an individual who can be held responsible for a crime and made to suffer thereby, it may be deep interest in a person who has suffered and whose cause the witness is willing to espouse or it may be monetary consideration, for witnesses can be bought. None of these considerations, however, obtain in the present case. Also the story the witnesses relate is a natural one. Bose had planned to escape, but the plan failed because of the malfunctioning of one of the aircraft engines. This defect has been ascribed by Taro Kono (Witness No. 63) to an accident which had occurred three months previously when the propellers of the plane were damaged. The propellers could not be replaced and were perforce repaired. The damage must have been more serious and more fundamental than was believed at the time, and manifested itself on the fateful day of August 18, when the aircraft crashed and was completely destroyed.

4.50 The truth of this story was challenged on various grounds, and it was argued that the evidence adduced in support of it is completely untrustworthy, and indeed, the story was fabricated in order to provide a cover for Bose's escape route. The submissions made by Shri Mukhoty, Counsel for the National Committee, Shri A. P. Chakraborty, Counsel for the Forward Bloc Party and Shri N. Dutt-Majumdar, Counsel for the Bose's family, may be summarised as follows :—

- (i) The Japanese held Bose in such high esteem and were so determined to help him escape the consequences of his falling into the hands of the Allied Military forces that they prepared an elaborate story of a fictitious air crash and Bose's death, when in actual fact, Bose reached Manchuria safely and thence proceeded to Russia.
- (ii) All the Japanese witnesses were prevailed upon to testify to a false story in order to save Bose; also to safeguard their national honour, they have persisted in repeating the untrue version even after the lapse of 25 years.
- (iii) There are glaring discrepancies in the statements of the witnesses both *inter se* and between the statements made before the Shah Nawaz Khan Committee and before

this Commission. These discrepancies prove that the witnesses were not describing something which they had seen but were lending their support to a manufactured story.

(iv) Bose was a very secretive person by nature, and he never revealed his plans, except to the very few who had to receive last minute instructions for the actual execution of the particular plan in hand. So, no one knew the details of how Bose was going to escape and if false news of his death would be broadcast to distract attention from his actual whereabouts.

(v) Among Bose's co-passengers none except Habibur Rahman knew him. So these witnesses cannot be said to have identified him as the man who was involved in the air crash on the Taihoku airfield, and who consequently succumbed to the burn injuries received in the crash. Also the only persons who are alleged to have died are the persons who were to go to Manchuria i.e. beyond Taipei. None of the survivors had to go beyond Taipei. This strange coincidence also supports the hypothesis that Bose and the other persons who were to go on to Manchuria did, in fact, reach there, whereas only the persons who were to be left behind are said to have survived.

(vi) The Japanese did not show Bose's dead body to anyone nor did they call any Anglo-American military authority to view the body in order to prove Bose's death and to exculpate themselves from the charge of violating the terms of their surrender and helping the enemy to escape.

(vii) No photographs of Bose to provide evidence of identification of the dead body were taken either in the hospital or at the crematorium. Considering that the Japanese have almost a mania for photographing persons and objects, this omission is significant and supports the hypothesis that Bose did not die.

(viii) No military honours were accorded to Bose at his funeral. Bose was the Head of an Independent State which was recognised by 9 independent countries. He was held in high esteem by the Japanese and it is inconceivable that the Japanese could have allowed his dead body to be cremated without the usual military honours or without even the placing of flowers or a wreath on his dead body.

(ix) There are no flight documents to prove the identity of the crew and the passengers on the bomber which is alleged to have crashed at Taihoku on the afternoon on August 18, 1945. No passenger manifest was forthcoming and there is no evidence of any enquiry having been held into the accident.

(x) There is a singular lack of hospital records to prove Bose's illness, the nature of the treatment given to him and his subsequent death ; no history sheet of his illness, no bed-head ticket relating to Bose could be found.

(xi) No cremation permit or cremation certificate to prove that Bose and no one else was cremated has been forthcoming.

(xii) There was no official announcement of Bose's death and it was only the private Domei News Agency which made the announcement. Strangely enough it was A. M. Sahay who was asked to draft the announcement. Sahay had not witnessed the crash. He had not even seen Bose's dead body and the utilisation of his services also shows that the whole story of the air crash was false.

(xiii) The wrist watch which was recovered from Bose's person and brought to India by Habibur Rahman was not the watch which Bose was wearing at the time of his alleged death or had worn at any time previously. This watch is a rectangular one and Bose always wore a round-dialed watch on his wrist.

(xiv) Bose had a gold-covered tooth, and if it was his dead body which was cremated, some quantity of gold must have been found in his ashes. There is no proof that any gold was found in the ashes which were taken to Tokyo and deposited in the Renkoji Temple. This circumstance also contradicts the story of Bose's death and subsequent cremation.

(xv) There was a general disbelief of the story of the air crash and the subsequent death of Bose. Responsible persons openly expressed their disbelief of the story and continued to say that, in their view, Bose was alive.

4.51 These are the main grounds upon which the story of the crash and Bose's death was directly criticised. I shall now deal with these arguments seriatim.

4.52 I have, in an earlier part of this report, drawn attention to the nature of the relations which subsisted between Bose and the Japanese. Although Bose was personally held in great esteem by the Japanese, they did not accept him as an equal ally, for the simple reason that he had no resources, and for everything he wanted to do, for every military expedition he planned, he had to draw upon the moral as well as the material assistance of the Japanese. They could not but consider him as something only a little more than a puppet. I have already emphasised the fact that the Japanese were extremely proud of their military record in never having suffered defeat, of their devotion to duty and their national honour. It is on record that when the Indians in South-East Asia spoke of the absentee property of the Indians they were told "absentee property according to international law is enemy property. What property do you have here? You are all puppets. You must acknowledge the generosity of the Japanese in entrusting you with the management of absentee property at all... As for Indian prestige, that is secondary to the execution of the Commander-in-Chief's Orders. Puppets? What is the harm in being puppets? You should be proud to be puppets of the Japanese." This was said before Bose arrived on the scene, but it is indicative of the true attitude of the Japanese towards Indians, an attitude that did not change much, even after Bose's arrival. Shah Nawaz Khan has stated, in his evidence, that the Japanese gave them poor provisions, inadequate transport and insufficient medical supplies. The Japanese did not keep their promise to hand over occupied Indian territory to the Provisional Government of Azad Hind. The administration of the Andaman Islands remained with the Japanese military authorities and Loganathan was nothing more than a civilian administrator exercising partial powers of control.

4.53 Shri A. M. Sahay (Witness No. 164) who was the General Secretary of Bose's Cabinet stated that the Indian community in South-East Asia was extremely anti-Japanese because of the very arrogant attitude of the Japanese towards India. This was the view which Deb Nath Das (Witness No. 3) had expressed to Sahay and Sahay agreed with him. Shah Nawaz Khan was more forthright. Some passages from his statement on this subject merit quotation. Shah Nawaz Khan is the author of a book "I.N.A. and Its Netaji". In this book he had written—

"There was much dissatisfaction among the personnel of the I.N.A. The rifles supplied were old and rusty. The light machine-guns and medium machine-guns had no spare

parts; mortars and heavy artillery had no optical scientific instruments. The armoured vehicles were useful for photographic propaganda, and a good number of prisoners of war were removed from Gen. Mohan Singh's control. Some anti-aircraft gunners who were segregated for training were placed under the direct command of Japanese officers. The I.N.A. advance parties in Burma were not treated well by the Japanese."

This passage was put to the witness, in the course of his deposition, and he said :

"By and large, I would say, what is stated there is correct."

4.54 The witness went on to say that, before Bose arrived, the feeling among the Indians was that the Japanese were trying to make stooges and puppets of the Indians. When Col. Niranjan Singh Gill and Mahavir Singh Dhillon were sent to Burma to make an on-the-spot investigation.

"They found that small groups of INA personnel, known as the intelligence groups, were being used by the Japanese as agents and spies to collect information, which was not the type of job for which I.N.A. was meant to be used."

The witness added :

"As you have just read in the book we were dissatisfied with the Japanese. We were provided with no transport; weapons were very indifferent, and we had a feeling that they deliberately wanted to show that the I.N.A. could not fight, and our soldiers knew this Very frankly, to be fair to them, they were not quite sure of the I.N.A. Because of their earlier experience, they were not quite sure that if they made this I.N.A. too powerful it might start fighting them too."

Another indication of Japanese attitude towards the INA is contained in the following passage from the witness's deposition :

"When we went to the front line, every one of our officers was carrying on his back a fantastic load, weighing about 80-100 lbs. No transport was provided. Everything, all the rations for 10-15 days, all their clothing, bedding, trench tools, etc., they had to carry on their backs."

When the I.N.A. retreated they had to do so without transport, without medicines, in very heavy rain.

4.55 There are numerous passages in the "I.N.A. & ITS NETAJI" which reveal the Japanese attitude towards the Indian National army. It will be sufficient to quote three passages. The first one appears at page 64 :

"From the day that we first came in contact with the Japanese, most of us developed a great dislike of Japanese methods of dealing with people whose cause they professed to champion. This dislike intensified when we saw with our own eyes the organised looting and raping indiscriminately indulged in by Japanese soldiers. We often asked ourselves: 'Is the same thing going to happen in India when we take the Japanese with us?' In addition to this, the more we dealt with the Japanese the more suspicious we grew of their real intentions on India. For example, when we first organised the I.N.A., they issued guns to the I.N.A. without any optical or mechanical instruments without which it was not possible to fire these guns with any degree of accuracy. And no ammunition of any kind was entrusted to I.N.A., tanks and armoured cars were fit only for ceremonial parades and propaganda photographs. In fact, any one with any knowledge of modern weapons could see that the Japanese were deliberately not issuing proper arms and equipment to the I.N.A. and without essential equipment it was not possible for any army to succeed against a well equipped modern fighting force."

The second passage appears at page 107 ;

"The Japanese were not giving all the assistance to the I.N.A. that they could and should have given. They made all sorts of vague promises that the I.N.A. would be supplied with everything when it reached the front line, but this, of course, was never done."

This was the conduct of the Japanese after Bose had arrived and taken charge of the Indian National Army.

4.56 The Imphal campaign was a failure, and this is what Shah Nawaz Khan had to say about the cause of the failure :

"Lastly, and with a clear conscience, I can say that the Japanese did not give full aid and assistance to the Azad Hind Fauj during their

assault on Imphal. In fact, I am right in saying that they let us down badly and had it not been for their betrayal of the I.N.A. the history of the Imphal campaign might have been a different one. My own impression is that the Japanese did not trust the I.N.A. They had found out through their liaison officers that the I.N.A. would not accept Japanese domination in any way, and that they would fight the Japanese in case they attempted to replace the British."

4.57 The views expressed by Shah Nawaz Khan in his book are entitled to the greatest respect, because he was not only a trusted colleague of Bose but had been specially selected by him to command the crack Subhas Brigade which made the first attempt to push the British back, in an endeavour to free India. Shah Nawaz Khan took part in this offensive and he, better than anybody else, was in a position to assess the true worth of Japanese professions and what was the real Japanese attitude towards Indians. It does not need a great deal of perspicacity to understand that the Japanese were interested in the I.N.A. not in order to help India free itself from British bondage but to make use of the INA in their campaign against the Allies in South-East Asia. They had realised that Bose commanded a great deal of respect and following amongst a vast number of Indian in South-East Asia and that he was in a position to draw upon the wealth of the richer Indians for a patriotic cause. Their respect for Bose began and ended with his usefulness to them. After their surrender, Bose could be of no assistance to them. They deprived him of the personal aircraft which they had placed at his disposal. They showed scant respect to him ; Field Marshal Terauchi did not condescend to admit Bose's emissary to a personal interview. The war had come to an end and so had Bose's usefulness to the Japanese. They paid a certain amount of lip service to Bose, and offered him an asylum in Japan. They were willing to give some little help in providing him with a means of escape, but beyond this they were not willing to do anything.

4.58 On the last lap of his journey, Bose could not be provided with more than two seats in the bomber which left Saigon. On this point there is not the slightest doubt, and the evidence is unanimous. All the witnesses have stated that Bose was considerably upset, and scant courtesy was shown to him by the Japanese military authorities. Even allowing for the fact that after the surrender of the Japanese, conditions were chaotic and it was not easy to make flight arrangements, it might have been possible for the

Japanese to permit Bose to take five or six of his colleagues with him, as indeed, he was most anxious to do. The evidence is that when Bose was informed of the arrangements for his flight beyond Saigon, he gave unrestrained expression to his irritation and was even prepared to abandon the whole plan of escape. He said that he would not proceed beyond Saigon. He was, however, prevailed upon by his colleagues and by Ishoda to accept the offer of the two seats and take Habibur Rahman with him before all flights of Japanese planes were stopped. All this shows that the esteem in which Bose was held by the Japanese was not of the order which would impel them to enter into a nation-wide conspiracy and compel a number of high army officers to perjure themselves. There is no record in history of such a conspiracy or of the suborning of such extensive false testimony in order to give shelter to one individual. So, there could be no question of prevailing upon respectable military officers to perjure themselves in a cause which bore no relation to their own personal safety or honour and was certainly not a matter of patriotic or national importance to them. It was argued that Japanese honour demanded that these witnesses swear falsely to save Bose. But this is a wholly unacceptable hypothesis, for while on the one hand, Bose was refused accommodation for 6 or 7 of his closest associates who were not only his friends but were the members of his inner Cabinet, whose advice and support he could ill afford to lose after his escape, and on the other hand, high military officers were willing to perjure themselves for the sake of a man who was of no further use to them after their (Japanese) ignominious and abject surrender. With Hiroshima and Nagasaki blasted by the fire of Atom bombs, the Japanese national pride grovelling in the dust, their King whose status and virtues were always looked upon as godly, humbled and humiliated, their economy shattered and their country about to be occupied by an alien army, the Japanese could not possibly have launched on a risky and wholly unprofitable venture. They agreed to send Bose to Russia, at his special request, and took steps to carry out his wishes. In fact, towards the end, they were entirely unaccommodating, and Bose complained that the Japanese were "changing the plan". Also when the war had ended and when conditions in the Japanese army were so chaotic, there could be no question of the Japanese agreeing to secrecy, subterfuge or dissimulation for a person who was, as far as they were concerned, an alien, who had been useful to them upto a point but whose efforts had failed to achieve anything in the war. There was no demand by the Allies that Bose should be handed over to them, and there was absolutely no necessity of inventing and advertising an alibi for him.

4.59 Many of these witnesses appeared before the Shah Nawaz Khan Committee when it visited Japan, and related the same story. There was then still less need for them to perpetrate a totally false story of an air crash. They had not appeared and deposed on oath on any previous occasion. Therefore, there could be no question of their being compelled, in conscience, to repeat a false story. The Shah Nawaz Khan Committee was the first committee before which they gave evidence on oath, and eleven years after the incident when conditions had become peaceful, when the trial of the war criminals was over and finished with, when there was no demand for Bose by anyone, his name was not on any list of war criminals, when nothing could be gained by these witnesses telling lies, they are alleged to have given false evidence on oath. Such a hypothesis just does not make sense. By deposing to a false story, they could not hope to support or advance any cause. When questioned during the proceedings of this Commission, they repelled the suggestion that they had told lies to help Bose escape to safety. In fact, there was never at any time, either in 1956 or now, any danger that threatened Bose, were he alive. As early as 1946, Vallabhbhai Patel had publicly declared on the floor of the Assembly Chamber in Delhi that if Bose were alive, he would be free to come to India and move about as and when he pleased, and as I shall presently show, Bose's name was not borne on any list of war criminals and he could have made a public appearance without any risk to his person or honour.

4.60 Let us next turn to the discrepancies in the statements of the various witnesses who have testified to the story of the crash and Bose's death. In this connection, it must be remembered that the witnesses, when giving their evidence before me, were recalling events that had occurred nearly 25 years previously. Several of them had, no doubt, deposed before the Shah Nawaz Khan Committee in 1956, and had, on that occasion, had the opportunity of refreshing their memories. But even since that event 14 years had elapsed. Any one with some experience of hearing witnesses testify knows how impermanent, how subject to erasure, distortion and deception is human memory in the matter of minor details attending a major event. The broad facts stand out fairly clear and positive, but all else is enveloped in the mist of oblivion. Memory is prone to play tricks and conjure up imaginary pictures to provide verisimilitude to the more easily remembered incident of a murder, an air crash, a death or a rescue. So, the exact position of the murderer and the number of blows he inflicted, the exact trajectory of a falling aircraft, the side to which it listed, its point of contact with the ground are only vaguely or inaccurately remembered. Thus,

too, an eye witness may, in course of time forget the exact time of some one's death. A doctor who has to deal with and treat thousands of patients may not remember how a particular patient was dealt with and who was present at the time of his admission to the hospital or at the time of his death. Inevitably there will be contradictions and discrepancies between the evidence of witnesses who describe an event which occurred a long time ago. Indeed, a completely consistent story is nearly always an indication of a prepared and stubborn evidence. In the present case the story narrated by the witnesses is, on the whole, consistent in all its major ingredients. The demeanour of the witnesses who narrated the story of the crash, their own involvement in the catastrophe, the injuries they sustained and what happened in the hospital, impressed me as being frank and truthful. When the lapse of time had made the recollection of some minor event or insignificant detail uncertain or vague, the witnesses did not hesitate to say: "I do not remember", or "I have no memory of this."

4.61 Take for instance the evidence of Col. Nonogaki (Witness No. 53), who was Bose's copassenger on the last lap of the journey between Saigon and Taipei and received minor injuries in the crash. It was said about him that he did not know Bose before, he had not seen him die and he was not able to see his face in the hospital because it was completely bandaged. Therefore, it was argued, the statement of Col. Nonogaki amounts at most to hearsay evidence and should, therefore, not be admitted or, at any rate, relied upon. It was also urged that the seating order in the plane as described by Col. Nonogaki was not consistent with the seating order given by other witnesses.

4.62 The witness's evidence, however, is that he met Bose on the evening of the 17th August at the Saigon airport. There could be no mistake about Bose's identity at that moment. Witnesses who know Bose will have deposed to his getting into the plane with Gen. Shedei. S. A. Iyer (Witness No. 29) Deb Nath Das (Witness No. 3), Gulzara Singh (Witness No. 153), Col. Pritam Singh (Witness No. 155) and Ishoda (Witness No. 68) all knew Bose, they were all present at the Saigon aerodrome and they saw Bose enter the plane in which Gen. Shedei was travelling. Bose was introduced to the other passengers, and it was impossible to introduce an imposter into the plane in full view of Bose's colleagues and counsellors. Nonogaki's statement is:

"I met him on the evening of the 17th August at Saigon airport. It was just before he

got on to the plane. I also went in the same plane."

Immediately after the crash the witness saw Bose standing on the runway.

"I remember the incident quite clearly and the subsequent events thereof. Especially I remember Mr. Chandra Bose was standing naked at the airport."

Cross-examined on the point, he said:

"These things are particularly strong in my memory. Other things are weaker."

At the hospital the witness saw Bose all bandaged up. He said that Bose was a very big person, and though his face was bandaged, from his physical features the witness was left in no doubt about Bose's identity. There was a continuity in the various incidents following the air crash. And there was no possibility of the witness suffering from hallucination or making a mistake about the identity of Bose. He was cross-examined in great detail by Mr. Trikha, and to many of his questions he said: "I do not remember exactly." The following extract from the verbatim record will show that the witness gave his evidence in a natural and frank manner:

"Shri Trikha: You saw one bandaged person lying on the bed?

Col. Nonogaki: Yes.

Shri Trikha: That bandaged person who was lying on the bed was in his senses?

Col. Nonogaki: He was in his senses.

Shri Trikha: And the doctors were standing by his side.

Col. Nonogaki: I think so. I am not sure about it.

Shri Trikha: You are also not sure as to whether any nurses were present or not?

Col. Nonogaki: I am not sure.

Shri Trikha: In that hall where this bandaged person was lying on bed, there were many other patients lying on the bed?

Col. Nonogaki: No.

Shri Trikha: Did you see any bed ticket by the side of this patient who was bandaged?

Col. Nonogaki: I do not remember.

Shri Trikha: You did not ask any doctors what treatment had been given to that bandaged person?

Col. Nonogaki: No.

Shri Trikha: Did you ask the doctor that you wanted to talk to that bandaged person who was lying on bed?

Col. Nonogaki: I did not.

Shri Trikha: The doctor was not present when you talked to that bandaged person lying on the bed?

Col. Nonogaki: I do not remember exactly whether there was a doctor at that time.

Shri Trikha: Did you take his permission whether you were allowed to talk with the bandaged person.

Col. Nonogaki: I do not remember exactly.

Shri Trikha: You do not remember who was the doctor who was standing there.

Col. Nonogaki: No.

Shri Trikha: What made you talk to that bandaged person at that time?

Col. Nonogaki: I thought he was dying, and I asked the interpreter to find out what he wanted to say.

Shri Trikha: You came to know that that person was dying and therefore you wanted to talk to him.

Col. Nonogaki: Yes. I heard from the doctor that he will not survive long.

Shri Trikha: Did you ask the doctor that if this patient dies his photograph should be taken?

Col. Nonogaki: I did not ask.

Shri Trikha: Do you remember who was the interpreter?

Col. Nonogaki: I have no memory.

Shri Trikha: Do you know that the person who was bandaged and lying on the bed knew Japanese?

Col. Nonogaki: I do not think he knew Japanese.

Shri Trikha: In which language that bandaged person talked?

Col. Nonogaki: I thought he could know English. So that is why I called an English interpreter and he spoke in English."

4.63 A reading of the above extract convinces one of the truthfulness with which the witness gave his evidence. Similar extracts may be given from the evidence of other witnesses, but it is sufficient to say that the discrepancies do not relate to important and significant matters. The witnesses are not consistent regarding the position of the different passengers in the plane although they all stated unanimously that Genl. Shedei and Bose were sitting in front. There are some discrepancies regarding other patients who were placed in the same room as Bose. My attention was drawn to a statement of a witness who said that there are three aerodromes at Taipei. What the witness obviously meant was that there were three runways and not three separate airfields.

4.64 Dr. Yoshimi's statement was criticised on the ground that there were contradictions between his statement made before the Shah Nawaz Khan Committee and before the Commission. There are, no doubt, inconsistencies, and the witness ascribed them to the passage of time that had occurred since the events which were being deposed to. The witness stated once or twice that the statement that he was making before the Commission was truer than the statement he had made before the Shah Nawaz Khan Committee. He was not concerned about who gave the blood transfusion to Bose but this matter is not important, since Dr. Yoshimi, being in overall charge of the hospital, would only prescribe the treatment and not administer it himself. The actual transfusion of blood was conducted by nurses and not by doctors or surgeons. Dr. Yoshimi prescribed blood transfusion and the nurse carried it out. The evidence of Dr. Yoshimi was that he was not present at the time of transfusion. Dr. Ishii (Witness No. 69) said that he saw the nurse trying to give blood transfusion, but because she could not find Bose's vein he had to help her. I see no real inconsistency in the statement of Dr. Yoshimi and the statement of Dr. Ishii. Dr. Yoshimi was present in the hospital, he may not have been standing by Bose's bedside the whole time, and may have passed by when the transfusion was being conducted. But the important point is that there was no reason whatsoever for Dr. Yoshimi to make up a wholly false story and depose to it on oath. Dr. Yoshimi struck me as an eminently respectable individual whose status in life and whose professional pride

would prevent him from committing perjury in a case with which he was in no way personally or nationally concerned.

4.65 Thus we find that the discrepancies to which Counsel have drawn my attention do not falsify the story of the crash. They are due to the passage of time and the memory of witnesses becoming somewhat vague regarding matters of detail.

4.66 Again it was argued that lack of evidence regarding the details of Bose's plan of escape and the manner in which it was to be executed is due to Bose's secretive nature and his old established and consistent practice of strictly keeping his own counsel about all his schemes. So, the argument proceeds, no one before his departure from Saigon, knew that his escape would be covered up by a false announcement of his death in an air crash. Habibur Rahman's choice as his sole companion beyond Saigon was an essential ingredient of his plan. Habibur Rahman was chosen because he was Bose's most loyal and dedicated colleague and supporter. He alone could be trusted with the entire secret of the plan of escape, and he alone could be depended upon not to divulge the secret subsequently. Habibur Rahman has justified the trust reposed in him. He has proved himself to be a true follower of Bose by authenticating the false report of Bose's death and by adhering to the story throughout.

4.67 Mr. Mukhoty argued this matter at great length drawing attention to the statements of several witnesses who deposed to the completely dependable loyalty of Habibur Rehman. From this he sought to infer that Habibur Rehman was prepared to die or perjure himself at Netaji's behest. Therefore, Habibur Rehman's version of Bose's end is completely false and was invented or, at any rate, asserted and proclaimed by him to provide a cover for his escape. While Habibur Rehman's loyalty may be accepted as a proved and undeniable fact, the inferences sought to be drawn from it cannot be accepted. Habibur Rehman has not appeared as a witness in the present enquiry, and his credibility is not a matter directly in issue. The statements made by him on various occasions, including his testimony before the Shah Nawaz Khan Committee, are no more than hearsay and therefore inadmissible in evidence to prove Bose's death. Far less can these statements be used to disprove the crash story. Had Habibur Rehman appeared as a witness before me and had his previous statements been put to him as he stood in the witness box, the probative value of these statements could have been assessed. The argument that because Habibur

Rehman was a loyal and dedicated colleague of Netaji, therefore, he deliberately narrated a false story is wholly devoid of logic. Similar in essence and illogicality is the assertion that because Bose was by nature a secretive individual and never shared his plans with anyone except his closest confidants, he had conceived a plan of escape of which no one knew anything and which he was able to execute. There are two non-sequiturs in this assertion (i) because no one knew of the plan, there must have been a plan; and (ii) because the crash story was broadcast, the secret plan must have been successfully executed.

4.68 Mr. Mukhoty drew pointed attention to Shri Deb Nath Das's reaction to the news about Bose's death in the Teipei hospital following the crash of the plane in which he was travelling. This is what Shri Deb Nath had to say in the matter :

"On the 22nd we were all in the same place. I think we were making some preparation for food. Around 10 or 10.30 a.m. Shri A. M. Sahay came and told us all of a sudden—I do not remember the exact words—I heard over the radio, somebody heard, that on the 18th there was a plane crash and Netaji had died in the hospital; he said such an announcement was made a little before.

.....

As soon as he told us, all of us stood in silence, standstill and prayed to God for the safety of Netaji.

.....

Because it was two or three days after the Japanese surrender. Naturally, we thought that in order to make Netaji's exist or escape safe this plan has been made. We took it with good grace. At that time none of us felt unhappy that we were bluffed over this. We took it as a bluff and everyone of us felt happy."

4.69 So, the news of the air crash was interpreted as a camouflaged or arcane information of Bose's escape to safety. Deb Nath Das felt happy that the Japanese had successfully carried out the plan conceived by Bose and agreed to by the Japanese. But not a single one of the several witnesses who have spoken about the escape plan said that it had one of its ingredients a fake or a false announcement of Bose's death. The plan was only to save Bose by taking

him to Manchuria. How could, therefore, anyone interpret the radio broadcast of August 23 as a successful implementation and smooth execution of the plan and not its disastrous failure, through misfortune, as it purported to be and as everyone took it to mean. The only reason for his disbelief of the crash story Deb Nath Das gave was the delay in making the announcement. But the delay is explained by the lack of facilities for broadcasting available at Taipei and the need for proper processing through a recognised news agency at Tokyo, in the post surrender conditions prevailing in the region. How can any rational person interpret delay in a matter of this kind, taking place at a time of this kind, as proof positive of the falsity of the news, when there was no previous understanding that a false announcement would be made in the event of a successful execution of the plan? It must be emphasised that Deb Nath Das gave no other reason at all for his joy.

4.70 Let us examine the evidence of the other witnesses who heard the news of the air crash, and consider how they reacted to it. S. A. Iyer (Witness No. 29) was present at the Saigon airport when Bose and General Shidei left in the bomber. Iyer was Minister for Publicity in Bose's Cabinet. He was to follow Bose as soon as an aircraft became available. He says that he went to the airport on 20-8-1945, in the hope of getting a lift to Japan. At the airport, Rear Admiral Chuda told him that Bose was dead, but as the engine of the plane was running and making a loud noise Iyer was not quite sure what Chuda had said. Iyer left in the plane but Chuda was left behind. At Tichoi Aerodrome, where the plane next landed, Col. Tada told the witness about Bose's death in an air crash. Iyer's statement was : "He said that as you know, Netaji left Saigon on the afternoon of August 17. His plane reached Tourane late the same evening. The party rested there for the night, took off the next morning on the 18th August and landed at Taihoku in Formosa. In the afternoon, after a very brief halt, the plane took off again but soon afterwards it crashed."

4.71 The witness went on to say he was disinclined to believe Tada's story because Tada did not appear to be very communicative. At the same time Iyer did not reject Tada's story. This is clear from the witness's statement cited below:—

"Commission : Did you doubt the story of the plane crash because you felt that he (Tada) was deliberately putting you off?

Iyer : He was avoiding.

Commission : You thought, he was avoiding,

Iyer : Yes, I thought so. At the same time I also thought that perhaps there was no ulterior motive. I had two minds".

It is clear, however, that the witness ultimately accepted the crash story, because at Tokyo, he received Netaji's ashes at the Imperial Japanese Headquarters and helped to carry them to the Renkoji Temple. He treated the ashes with the reverence due to his leader. This, he would not have done, had he disbelieved the story of Bose's death. Iyer was asked to draft the announcement of Bose's death which was to be broadcast by the Domei News Agency, and he did so. This further goes to confirm the witness's belief in the death story. In 1951, the witness went to Japan to enquire into the properties belonging to INA in India and abroad. In this connection he paid a brief visit to Tokyo. Before he left India he was asked by the Government to report on :

- (i) the exact facts about the ashes of Subhas Bose kept in a temple in Japan; and
- (ii) authentic information regarding the gold and jewellery carried by him on his last known plane flight.

4.72 Iyer prepared a report in which he discussed the story of the fatal air crash in considerable detail. The view expressed by him was that Netaji had, in fact, succumbed to injuries sustained by him in an aircrash on the Taihoku airfield. He went on to say "in conclusion I would repeat that I have not the faintest doubt in my mind that the ashes that are enshrined in the Renkoji temple in Tokyo are of Netaji's....."

4.73 The witness has written a book "UNTO HIM A WITNESS", and in this book also the witness reiterated his belief that Bose's plane had crashed and he had died at Taihoku. Iyer was present at the Saigon airfield when Bose left, and he heard nothing about a secret plan of making a false announcement of an aircrash and of Bose's death in order to cover up his escape.

4.74 Another witness Gulzara Singh (witness No. 153) was also present at the Saigon airport when Bose left with General Shidei. Gulzara Singh was taken to Hanoi subsequently, and there on the 22nd August, he heard the story of the aircrash. He behaved as if he accepted the story as true, although he said that somebody brought the news that Bose's plane was seen crossing Manchuria.

4.75 Col. Pritam Singh (Witness No. 155) heard the news of Bose's death, on the radio, when he was at Hanoi. He said he did not believe it because he thought that the Japanese would have to "give some sort of story to save their skin because Japan was going to be occupied by the Anglo-American powers and they could not escape themselves unless some such story was made". This reason for his disbelief is wholly unconvincing. Neither Gulzara Singh nor Pritam Singh had heard of any plan to make a false announcement of Bose's death. The last witness, to whose evidence I shall draw attention is Abid Hussain (Witness No. 157). He too heard of the air crash when he was at Hanoi. Nobody said that the news was false or that it was intended to be a cover for Bose's escape. He was specifically questioned on this point. He said that he was quite sure that the air crash story was not a cover.

4.76 Therefore, apart from Deb Nath Das and Pritam Singh, none of the witness who heard the news of the air crash disbelieved it, and the reason Deb Nath Das has given is wholly unconvincing. Some witnesses quite frankly and honestly said that they were inclined to disbelieve the news because they wished Bose to be alive. Indeed, an emotional resistance to accepting the tragedy of Bose's death can be the only reason for any reluctance to believe its truth. It would have been otherwise if Bose's plan of escape, to the specific knowledge of the witnesses, who were on intimate terms with him and who were his colleagues and advisers, was that five days after Bose's escape to safety, a false story of an air crash and his death would be broadcast. This neither Deb Nath Das nor the other four witnesses to whose evidence I have drawn attention, say.

4.77 Mr. Mukhoty has, however, interpreted this lack of knowledge as corroboration of Bose's habitual and deliberate exclusion of his closest colleagues from his secret plans. And yet, he is alleged to have shared this plan with all its details with the Japanese, because only through them could the plan have been executed.

4.78 Therefore the argument is that although Bose was prepared to share the secret of his plan with a number of Japanese officers, none except Habibur Rehman, out of his own colleagues and supporters, knew anything about it. Is it possible that Bose should have placed greater trust in the Japanese than in the members of his own Cabinet, specially when he remembered that the Japanese had, towards the end of the war, shown scant respect or regard for him. From the beginning they had wanted him as their tool, a pawn in their hands, who could be made to move in compliance with their plans and wishes.

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They had treated Rash Behari Bose and Mohan Singh in the same manner. That role could no longer be played by Bose when the war ended, because there was then no prospect of a Japanese victory and there was no occasion for a fresh expedition or enterprise in which Bose could be made to play a useful part. Bose was fully aware of this state of affairs. The provisions, transport and ammunition supplied to him during the Burma campaign left much to be desired, the local Japanese commanders had exercised their own discretion, often to the detriment of Indian interests and aspirations. They had, even twitted the Indians saying ; "Puppets What is the harm in being puppets ? You should be proud to be puppets of the Japanese." The command of the Andaman Islands was denied to Bose, and the Japanese transferred only a portion of their authority to his nominee—Loganathan. They had denied him the use of the special plane which had earlier been placed at his disposal. He was denied accommodation for his colleagues in the bomber which was to leave Saigon. Bose had bitterly complained to his colleagues of a change of plan by the Japanese. He was so angry and resentful that he was prepared to stay on and not go beyond Saigon. He mistrusted the Japanese after their ignominious defeat. In the circumstances, is it possible that he would confide to the Japanese a secret which he kept back from his colleagues, and would enter into a conspiracy with them to the exclusion of his own men and trusted lieutenants ? The answer to these questions must be a categorical and emphatic 'no'.

4.79 Again, is it possible that the Japanese who had begun to behave in this cavalier manner towards Bose would enmesh themselves in a web of conspiracy hurriedly woven at the last moment, and refuse to emerge from it into the light of truth for 27 years. Why should the Japanese who have deposed about the crash, perjure themselves in this manner ? Mr. Mukhoty's entire argument on this point savours of an assertion that the existence of a specified object in a totally dark room is proved, because the darkness prevents us from seeing it and disproving its absence, thus making its very invisibility proof positive of its existence.

4.80 It was next argued that strangely only persons who did not know Bose were selected to accompany him on the Journey beyond Saigon, and no members of the Hikari Kikan who knew him and who could be expected to be of assistance and support to him, during and after the journey, went with him. Nor were his personal associates and members of his Cabinet chosen for this purpose. These people, it was argued, could have looked after him and provided the necessary moral and material support. Moreover, the only survivors were the passengers who were not to go to

Manchuria, the destination of Genl. Shedei and Bose. The survivors had to go elsewhere. So, it was argued, it is impossible to believe the story of the crash. The Japanese would not have pushed the Head of an independent State recognised by no less than nine independent countries and who, up to the present day, is referred to as His Excellency Chandra Bose into an already full plane. Nor would he have been uncereemoniously hustled into a bomber with strangers. Mr. Mukhoty's argument predicates that Bose and the persons who were to go to Manchuria did, in fact, get there, but they were falsely reported to have died. The persons who were not to go to Manchuria were said to have survived because they did not go with Bose.

4.81 The argument pre-supposes that the flight was specifically arranged to implement a fake plan, conceived primarily for Bose's benefit, a plan which was duly executed. But the evidence shows that the flight was arranged in order to carry Genl. Shedei and other Japanese officers, who had been posted to Manchuria. Indeed, the two seats placed at the disposal of Bose were spared very reluctantly, and at first, only one seat for Bose himself was being allotted. So, in the very nature of things, Bose and Habibur Rahman were a sudden and unanticipated addition to an almost full complement of the load of the aircraft coming from Manila and flying to Dairen. It will be remembered that the two planes which had brought Bose and his companions to Saigon had gone back. The Japanese had, no doubt, agreed, in principle, to convey Bose to a place of safety such as Manchuria, but they had not assigned him any accommodation on a specific plane before Bose's arrival at Saigon; Nor had they worked out the details of his escape plan. From Saigon onward Bose's journey depended on what transport would be available and when. It is needless to repeat that post-war conditions were so chaotic and uncertain that the Japanese could not plan or predict any flights even for their own personnel. This explains Bose's dejection at what he called a change of plan. The change was, in fact, nothing more than a change in Bose's expectations necessitated by the rapidly changing conditions after Japan's surrender, and the acceleration of American activity in stopping all unauthorised flights by the Japanese and taking possession of Japanese military stations including Saigon and Taihoku. So, there is nothing surprising in Bose's co-passengers being total strangers to him, strangers who were on the plane not as his companions, protectors or his adjuncts, but in their own right, on their own business, on way to the places of their new posting.

4.82 The evidence of Lt. Genl. Ishoda (Witness No. 68) on this point sets the matter free from doubt.

He said that Field Marshal Terauchi had forbidden the use of Bose's personal plane beyond Saigon, so Bose had to be accommodated in whatever aircraft became available. Ishoda went with Bose as far as Saigon and there made arrangements for Bose's journey to Manchuria. The following passage from his deposition before the Commission may be quoted:

"I stayed in Saigon. In Saigon I was told by Staff Officer Tada that the plane in which Mr. Bose was to board could not take many persons. Mr. Bose wanted to take his Cabinet Ministers along with him, but I was told that only Mr. Bose could go with Genl. Shedei. So, I went to the headquarters in Dalat where I met Commander-in-Chief, Genl. Terauchi so that Mr. Bose's request may be complied with. As a result of my negotiations with Gen. Terauchi, he allowed him to take about three members of his Cabinet along with him. The Staff Officer of Gen. Terauchi thought that perhaps three persons may be taken along with Mr. Bose. When I returned to Saigon, I was told again by Staff Officer Tada that only two members could be allowed to board the same plane along with Mr. Bose. Mr. Bose did not like that arrangement, and said 'Then I will not go'. Then I told Mr. Bose that at that time there was a risk that the flights could be stopped at any moment because of the situation. So I recommended to Mr. Bose that he should leave even if he could take only two members. By only two members I mean Mr. Bose and another member from his party. So, I suggested to Mr. Bose that he should accept that arrangement for going to the Soviet Union. Then Mr. Bose had his last Cabinet meeting for about 10 minutes. After the meeting, Mr. Bose told us that he would accept that arrangement, but Mr. Bose asked us to arrange so that the other members could follow him by other planes as soon as possible. So I told Mr. Bose that 'we will make that arrangement as soon as possible. So you may please leave quickly with Gen. Shedei: Then there was the problem of luggage. Mr. Bose had many baggages and he wanted to take his baggages, but I told Mr. Bose that Gen. Shedei would arrange about his baggages and so Mr. Bose agreed to leave about one-third of his baggages behind. He took two-thirds of his baggages with him".

4.83 As far the argument that all the passengers destined for Manchuria died and the only survivors were persons who were not to go to Manchuria, the facts do not support the submission made by Counsel of the four survivors who appeared to give evidence before the Commission, two, namely, S. Nonogaki (Witness No. 53) and Taro Kono (Witness No. 63), were going to Manchuria because they had been posted there. This fact is clear from the evidence of Tadashi Ando (Witness No. 46) who said quite clearly that the persons on the plane told him that they were going to Manchuria. Also these persons were coming from Manila from where Gen. Shedei was proceeding on transfer to Manchuria. Apart from one or two passengers who were to go to Tokyo, it seems that all the others, particularly two of the survivors Nonogaki and Taro Kono, were to go to Manchuria. There is, therefore, no force in the argument that the survival of only those persons who were not to go to Manchuria supports the hypothesis of Bose's escape and a false story having been promulgated to provide an alibi.

4.84 I shall next deal with the arguments that no photographs of Bose's dead body were taken and that Bose was not given a State funeral with the honours that his status deserved.

I have repeatedly drawn attention to the postwar and post-surrender conditions prevailing on territory occupied by the Americans and the complete demoralisation of the Japanese war machine. It will be remembered that several persons committed harakiri in a fit of depression because they could not face the ignominious defeat of their country, a country which had never been defeated by any external foe. After August 15, the emphasis was not on the observation of protocol and due proprieties but on promptness in carrying out whatever tasks could be performed before the Allied Forces clamped down a total ban on all Japanese movements. In the circumstances, there could be no question of according military or State honours to Bose upon his death or of taking photographs of his person. Some photographs were probably taken and these were produced by Col. Habibur Rahman, but since Habibur Rahman has not been examined as a witness and there no evidence to prove the genuineness of these photographs I do not propose to rely upon them. I shall treat them as documents which have not been proved. This does not mean that I declare them to be false and therefore contradictory of the story of the crash and Bose's death. As far as the present inquiry is concerned they were treated as if they did not exist, because it is not known in what circumstances these photographs were taken, who took them, to whom they were handed over and

in what manner and through whose agency they received publicity. In any event, it seems that there was no point in taking a photograph of Bose's face, because he had sustained such extensive burns that his face was unrecognisable, though in the form of his body and his manner resemblance remained to make identification possible. I do not find any force in the argument that because no photographs were taken Bose did not die or that because no military honours accompanied the cremation of Bose's dead body, he did not die and was not cremated; nor do I find any force in the argument that the lack of flowers or a wreath disproves the entire story of the crash and of Bose's death. In the circumstance of the case, these omissions appear to me to be perfectly natural. Indeed, I should be disinclined to believe a story of a formal and ceremonious funeral.

4.85 I come next to the argument that no flight documents relating to Bose's last flight were produced or were indeed available, and that this clearly proved that no crash had taken place on 18-8-1945 at Taipei.

4.86 The papers in the plane must have perished in the fire, because the front portion of the plane where they would normally be kept was completely destroyed. There is no allegation or proof of an enquiry having been made into the air crash by the Japanese military authorities. In the chaotic conditions prevailing at that time, when the Japanese were hurrying to get out of Formosa, when the American forces were expected to arrive at any moment and occupy the Island, no enquiry could have been held or even contemplated. We do not know if there were any flight papers in Saigon, in Datar or at the army headquarters. Any flight papers at the Army headquarters at Datar or Saigon must have been lost or destroyed because they were not required by any authority. There is not a title of evidence that there were at any time, in existence, any flight papers relating to the flight of the bomber which undoubtedly left Saigon with Netaji and Habibur Rahman on board on August 17, 1945. It is only conjecture that such papers must have been prepared ergo, their non-production disproves the crash story. It is against reason, common sense and the rules of evidence to base a conclusion on such an unjustifiable and unsubstantiated assumption.

4.87 The Shah Nawaz Khan Committee made an endeavour to secure documentary evidence of the cause of the air crash and of Genl. Shedei's death. A request for the production of any documents bearing on these two matters was made by the Committee and was conveyed to the Japanese authorities through

the Indian Embassy at Tokyo. The official reply received from the Chief of the Fourth Section, Asian Affairs Bureau of Japan is quoted below :—

“Dear Mr. Dar,

In compliance with the request of the Netaji Subhas Chandra Bose Enquiry Commission, made at the Third Regular Meeting on May 26, 1956, I wish to state in reply as follows :—

- (i) Official Enquiry Commission wherein Netaji was emplaned.

As a result of investigation made at the Operation Section, Repatriation Relief Bureau, Ministry of Health and Welfare, it has been revealed that no official enquiry commission to determine the causes of the accident in question was held so far.

- (ii) Military Record on the death of the late Gen. T. Shidei.

Two copies of the record in question, secured from the Operation Branch, Repatriation Relief Bureau, Ministry of Health and Welfare, is attached thereto as enclosures respectively.

Mentioned above be transmitted to the Commission. I should appreciate it very much if you would be good enough to transmit the above reply to the said Commission.

Sincerely yours,

HISAJI HATTORI

Chief of the 4th Section, Asian Affairs Bureau,
GAIMUSHI.”

4.88 It may be pointed out that the above letter appears in two separate parts at pages 62 and 64 of the printed copy of the Shah Nawaz Khan Committee's report. Along with this letter was sent the copy of what appears to be an application made on behalf of the deceased Genl. Shidei for promotion. The document is quoted below :—

(Translation)

RYU-SEN-MAN No. 483 August 4th, 1947.

To

President of Demobilization Agency

From

Chief, Korean & Manchurian Affairs Section,
First Demobilization Bureau, Demobilization Agency.

(Subject—Application for Promotion of War-Dead)

Whereas the person mentioned below comes under paragraph 5, Article 26 of ICHIFUKU (First Demobilization Bureau) No. 744 of 1946, the application for his promotion is submitted herewith for your consideration :—

Date of Death	August 18, 1945
Cause of Death	Death by war.
Place of Death	Taihoku Airfield
Position	Attached to Military Headquarters in Manchuria
Military Rank	Lieut. General
Name	Tsunamasa Shidei
Date of birth	January 27, 1895
Permanent Domicile	No. 24, Oku-onoe-cho, Yamashina 1zushi, ma-ku, Kyoto City.

Chief, Korean and Manchurian Affairs Section
First Demobilization Bureau
Demobilization Agency

(Official Seal)

N.B.—The promotion applied for was not approved.

Military Career of Lieut. General Shidei :

December 25, 1915	Appointed Sub-Lieutenant of Cavalry
August 1, 1940	Appointed Major General
October 27, 1943	Appointed Lieut. General
May 23, 1945	Appointed the Chief of Staff of Japanese Corps in Burma
August 18, 1945	Died by war in Formosa.

Examined and authenticated by the Ministry of Foreign Affairs.

(Seal)

(Sd.) YASUTERU, ASAHINA,

Secretary
Ministry of External Affairs
(Archives Section)

June 4, 1956.

It will be seen that the promotion applied for was not approved by the Ministry of External Affairs.

4.89. Counsel made use of this document to argue that Genl. Shidei had not died in Taihoku but had died subsequently in Manchuria, because the position of Genl. Shidei is mentioned as: “attached to military

headquarters in Manchuria". Counsel argued that Genl. Shidei could have been so described only after he had taken over charge at Manchuria. If he had died at Taihoku in an air crash he would not have been so described. The fallacy in this argument is that an official designate is so described as soon as orders are passed appointing him to a certain post or transferring him to another place, and if he dies in transit he may, without error, be described as holding the post to which he was appointed or attached to the organisation to which he was going. The document clearly mentions the date of death as August 18, 1945 and the place of death as Taihoku airfield. Therefore, it is clear that, in the application for promotion made on behalf of Genl. Shidei, his death at Taihoku airfield on August 18, 1945 was clearly accepted as a proved fact. This document, therefore, furnishes a clear corroboration of the story of the crash and of Genl. Shidei's death in it.

4.90. The letter quoted above also makes it clear that no official enquiry into the air crash was made by the Japanese authorities. In the very nature of things, no such enquiry could have been made at that time, and the lack of any documents relating to the crash either in the form of flight documents, of an investigation into the causes of the crash, or of a report upon the crash itself, does not disprove the story of the crash. I find no force in the argument that because this evidence is lacking, we must reject the story of the crash and treat it as having been deliberately invented to provide a cover for Bose's escape.

4.91. The next point is concerned with hospital records pertaining to the treatment administered to Bose at the Military Hospital, Taipei, his death and subsequent cremation.

4.92. It was contended in the course of the enquiry that there should have been available documentary evidence, in the form of a history sheet or bed-head ticket containing details of Bose's ailment, the treatment administered to him and the progress observed. After his death, the doctor attending on him must have drawn up and signed a death certificate giving particulars of the deceased and the cause of his death. Finally, there should have been a cremation certificate to prove that Bose's dead body was duly cremated. This evidence, it was argued, should have been forthcoming from the hospital and municipal records at Taipei.

4.93. Photostat copies of two documents were produced before the Shah Nawaz Khan Committee. One document purported to be a death certificate and

the other an application for permission to cremate a dead body. In neither of them was the deceased's name mentioned as Subhas Chandra Bose, nor does the date of birth of the deceased correspond to the date of Bose's birth. The cause of death was stated to be heart-failure. When the Commission visited Taipei, Shri Samar Guha made earnest endeavours to find any hospital or crematorium records mentioning Bose's name, but all he could find and produce was the photostat copies of the same two documents as were produced before the Shah Nawaz Khan Committee. Shri Guha did not adduce any evidence to authenticate the documents, and indeed it was conceded that the documents did not relate to Bose.

4.94. Mr. Mukhoty, while arguing his case, assumed, in the first place, that these documents related to Bose and were respectively his death certificate and an application for permission to cremate his dead body. But, because the details of the deceased mentioned in these two documents did not correspond to Bose, he went on to demolish his preliminary hypothesis by saying that the documents did not relate to Bose and, therefore, Bose did not die and his dead body was not cremated. It would have been enough to dismiss this argument as self-defeating, but because the documents were produced before the Shah Nawaz Khan Committee and also before this Commission and because Mr. Mukhoty relied upon them to rebut the story of Bose's death, I consider it necessary to examine the matter in some detail.

4.95. In this connection I may refer to Harin Shah, a newspaper reporter, who paid a visit to Taipei at the end of August 1946. He made an investigation into the story of the air crash and Bose's death. He claimed to have obtained the two above mentioned documents from the municipal records at Taipei, and he handed over these to S.A. Iyer in 1951. Iyer mentioned them in the report he submitted to Mr. Nehru. Harin Shah, in 1956, published a book named 'Verdict From Formosa GALLANT END OF NETAJI Subhas Chandra Bose'. The theme of this book is that the story of the crash of Bose's death had been proved beyond all doubt. Harin Shah expressed the view that though the particulars given in the two documents do not, in terms, specify Bose, the documents, in fact, relate to him and therefore prove his death and subsequent cremation. He attributed the discrepancy to a desire on the part of the Japanese to keep the matter of Bose's death a complete secret.

4.96. The death certificate describes the deceased as Okara Ichiro, male, born on April 9, 1901. The cause of death is mentioned as heart-failure. The

illness manifested itself on August 17, 1945 and proved fatal at 4 P.M. on August 19, 1945. The occupation of the deceased is mentioned as "non-regular member of the army at Taihoku Army Headquarters." The application for permission to cremate the dead body was made by T. Yoshimi on 21-8-1945, to the crematorium, and the time of cremation was stated as 6 P.M. on August 22. The name of the deceased was, as in the Death Certificate, mentioned as Okara Ichiro and his date of birth as April 9, 1901. The cause of death was, as in the death certificate, 'heart-attack'.

4.97. It is clear that neither the name nor the date of birth of the deceased mentioned in these two documents is truly descriptive of Bose. Neither document mentions the cause of death as burn injuries sustained in an air crash. Yet Harin Shah assumed that the certificate did relate to Bose. Harin Shah appeared as a witness before the Shah Nawaz Khan Committee and affirmed his belief in this behalf. Harin Shah did not appear as a witness before the present Commission although he was present at one of the preliminary hearings. He had no personal information of any matter concerning Bose's disappearance, and as he did not ask to give evidence on oath, I did not consider it necessary to summon him.

4.98. Dr. Yoshimi who was the proper person to sign the death certificate as also the application for permission to cremate the dead body was examined on this point both by the Shah Nawaz Khan Committee and in the course of the present proceedings. Before the Shah Nawaz Khan Committee he made the following statement :—

"On the 18th of August, I had issued a medical certificate of death in respect of the deceased person writing his name in Japanese (Kata Kana) as "Chandra Bose" and giving the cause of death as "Burns of the third degree". I handed over the certificate to the Captain in charge of the guard. There was a diary kept in the hospital in which records of all patients were kept. Such a record was maintained for Mr. Bose, and there his death was also recorded. The recording was done either by myself or Dr. Tsuruta giving details of every treatment carried out. I do not know what happened to the hospital records after the war."

In the course of the present enquiry the witness made a similar statement. The following extract from

the records of the proceedings may be quoted :—

"Shri Chakraborty : Do you remember that you wrote the name of Chandra Bose in the certificate or you wrote some other words ?

Dr. Yoshimi : I wrote his name Chandra Bose in Katakana.

Shri Chakraborty : Do you know the full name of Chandra Bose ?

Dr. Yoshimi : I wrote only Chandra Bose.

Shri Chakraborty : What did you write regarding the reason of death ?

Dr. Yoshimi : General burning all over the body, degree three.

Shri Chakraborty : Nothing more was written on the certificate ?

Dr. Yoshimi : Nothing more was written.

Shri Chakraborty : What was the age of Chandra Bose mentioned in the Certificate ?

Dr. Yoshimi : I do not remember whether I wrote his age or not."

Dr. Yoshimi's previous statement made before the Shah Nawaz Khan Committee on this point was read out to him and he admitted its correctness. It is, therefore, clear that the death certificate of which the photostat copy is mentioned in Harin Shah's book is not the document which was signed by Dr. Yoshimi in respect of Bose's death. For the same reason, the application for permission to cremate Okara Ichiro's dead body certainly does not relate to Bose.

4.99. It follows that the two documents have no evidentiary value at all, and neither of them proves or disproves anything. They relate to a totally different person and not Bose at all. Even the date of death mentioned in the certificate is a day later than the date of Bose's death. It may be mentioned here that when I went to the crematorium at Taipei and interviewed the son of the original caretaker, I showed him a photograph appearing at page 99 of Harin Shah's book and asked him if the man represented there was his father. The youngman denied that the photograph was that of his father. So, at least in one respect Harin Shah is proved not to have been accurate. But whatever Harin Shah said in his book or before the Shah Nawaz Khan Committee or to S.A. Iyer is not admissible in evidence because (a) Harin Shah had no personal knowledge and (b) he did not appear

as a witness, before this Commission to depose to the facts stated above. Therefore, it is erroneous to argue that because these two documents did not mention Bose's name and the date of his birth correctly they disprove Bose's death and the subsequent cremation of his dead body. The argument is in the nature of non-sequitur, for what does not relate to an event, cannot be used to disprove it. It is tantamount to raising a phantom and then destroying it. I do not, therefore, accept the contention that these documents relate to Bose and that they disprove the factum of his death.

4.100 The next point relates to the manner in which the news of Bose's death was broadcast. Iyer's evidence is that though he was told of the air crash by Col. Tada on August 20, the news was given general publicity only three days later, on August 23, after he reached Tokyo. The draft of the broadcast was prepared by Iyer at the request of the Japanese Officers. The announcement was broadcast by the Domei News Agency.

4.101 It was argued before me that in the natural course of events, an incident of such importance would have been given immediate publicity through official media, and the delay of five days, taken together with the needless requisitioning of Iyer's services and the utilisation of a private medium, gives rise to a very serious doubt about the announcement.

4.102 The crash took place on the 18th, and Bose died late that evening. There is no evidence to show that any means of announcing the news publicly existed at Taihoku. It was some time before the news could be conveyed to Tokyo, because at that time, the Japanese did not want their messages to be intercepted by the Americans. It may well have taken two days before Tokyo was seized of what had happened at Taihoku. Iyer was the Publicity Minister in Bose's Government, he had been a newspaperman and the fact was not unknown to the Japanese because Iyer had lived in Japan for many years. As soon as Iyer arrived he was asked to draft the announcement regarding Bose's death. This request was apparently made because the Japanese felt that Iyer would know the correct manner of describing Bose and would exercise both propriety and discretion in framing the announcement. The delay of five days in publicising the news cannot be taken as a rebuttal of the truth of the story. There is nothing to show that, in Japan, there existed any other broadcasting agency apart from the Domei News Agency. Besides, news of this type is always publicised by a recognised news agency rather than by a department of the Government. There seems to be nothing unnatural or extraordinary in Iyer having

been asked to draft the announcement and the announcement having been made by a private news agency five days after the occurrence which it broadcast. There is no evidence of any official broadcasting station in Taipei or Tokyo.

4.103. I shall now deal with the controversy (for it is nothing less) raging round the rectangular watch with a slightly damaged rubber strap which was produced by Shri Amiya Nath Bose after persistent requests made by the Commission. It has been alleged that this watch was removed from Bose's person after his death in the Military Hospital at Taipei, and was handed over by Mr. Nehru to Sarat Chandra Bose, elder brother of Subhas Chandra Bose and father of Shri Amiya Nath Bose. Thus, the watch was relied upon as evidence corroborating the story of the air crash at Taihoku. Shri Mukhoty and Shri Dutt-Majumdar repelled this contention and argued that the watch was never worn by Bose who always carried a round Omega gold watch on his wrist. So, it was contended that the watch had no connection with Bose, and its production did not, in any way, corroborate the story of the crash.

4.104. The only direct evidence of the recovery of the watch from Bose's person would have been the statement of Habibur Rahman. In the absence of his evidence, the production of the watch cannot be looked upon as corroboration of the crash story. I shall, however, relate the manner in which the watch is alleged to have been recovered and what the various witnesses have said about it.

4.105. Shri Amiya Nath Bose, at the time of the production of the watch before the Commission, said that Mr. Nehru came to Calcutta in December, 1945.

"At that time Pandit Nehru was staying at our house. He was coming from Allahabad and I went to receive him at the Howrah Station, I forget by which train. I brought him to our house, and after a short time, he joined the members of the family at the breakfast table. My father and mother and, I believe, other sisters and brothers must have been there also. Panditji brought out this watch and handed it over to my father. He said that Col. Habibur Rahman had given him this watch to be handed over to father, and I remember this very well and I can more or less repeat. Panditji stated that according to Habib, Subhas was wearing this watch at the time of the air crash. He tried to remove this watch and got burns.

After looking at this watch father handed it over to me and asked me to take care of it."

Shri Amiya Nath Bose was questioned, in great detail and at considerable length, about this watch. He was inclined to believe the story attributed to Habibur Rahman and to accept the fact that the watch did, in fact, belong to Subhas Chandra Bose. He expressed the opinion that his father Sarat Chandra Bose also did not doubt Habibur Rehman's story. While describing the incident when Mr. Nehru handed the watch to Sarat Chandra Bose, he said :

"I remember in December 1945 father took Netaji's death for granted. He was very moved by seeing the watch and said 'same watch.....same watch'."

A suggestion was made to the witness that his uncle used to wear a round watch, he said :

"One thing I heard from many persons is that the round gold watch that he used to wear certainly did not reach Europe.....That particular round gold watch could never come to East Asia."

He reiterated his belief that the round watch, which his uncle used to wear in India, never reached Europe and he had no reason to disbelieve Habibur Rahman's story. He also mentioned a round watch which had been brought by Major Swami and was handed over to Sarat Chandra Bose. This watch too was said to have been worn by Subhas Chandra Bose.

4.106 Witnesses have made totally contradictory statements about the matter of this watch. Aurobindo Bose (witness No. 165) son of Suresh Chandra Bose said that Subhas Chandra's father had made a present of a round watch to him. Dwijendra Nath Bose (Witness No. 162) another nephew of Subhas Chandra Bose said: "that watch was a gift from Subhas's mother and Subhas was so passionately attached to it that he would never part with it. He wore it even when he went to jail, and obtained the permission from the jail superintendent to keep on wearing it." Amiya Nath Bose has already said that the watch was not a gift from Subhas's mother and, in any event, that watch never reached Europe. Uttam Chand Malhotra, who hosted Bose in Kabul, stated that the round watch which Bose was wearing, when he arrived, was left behind. It was given to Bhagat Ram and from Bhagat Ram, it was taken away by a police man. Therefore, the round

watch, about which Bose's nephews speak, whether it was a gift from his mother or from his father, was left behind at Kabul. There is really no satisfactory evidence of what watch Bose was wearing when he left Saigon on his last journey. Bhaskaran stated that Bose was wearing a round watch. But Bhaskaran's statement has been seen to be wholly unreliable and I am not prepared to accept his testimony on this point. Evidence in the form of photographs taken at various times and published in books, was produced by Shri Samar Guha. The matter is, however, inconclusive because, according to one statement, Bose wore more than one watch. He was given a present of several watches by the Philippines. Some of these he distributed to his officers, and some he retained with him either for further distribution or for his own personal use. Shah Nawaz Khan stated, in the course of his evidence, that Bose used to wear a round as well as a rectangular watch. I do not see anything extraordinary in a person changing his watch. In my view, quite undue importance has been attached to this matter, and although the indication seems to be that this watch was indeed recovered from Bose's dead body, I do not consider its production constituting important corroboration of the crash story. In any event if the watch did not belong to Bose, it cannot disprove the crash story because the watch, which was alleged to have been recovered by Habibur Rahman, passed through many hands and there is also evidence that when Habibur Rahman was confined in the Red Fort it was stolen from him by some souvenir hunder. One thing, however, is certain that Shri Amiya Nath Bose has taken great care of this watch and for a considerable time he was most reluctant to part with it. It was only when the request to produce it was repeated several times that he became prepared to make it an exhibit in these proceedings. It seems to me, therefore, that despite all the protests and denials of the Bose family, Shri Amiya Nath Bose, at any rate, believes that the watch belongs to his uncle Subhas Chandra Bose and is to be valued and treated with reverence and affection.

4.107 My attention was drawn to the fact that when the watch was handed over to Sarat Chandra Bose the hands showed the time to be 1.10. The time of the accident is said to have been 2.35. This was alleged to be another circumstance which contradicts the crash story. The hands, can, however, be easily manipulated as I have personally tested. The watch is said to have passed through many hands and was handed over to Shri Sarat Chandra Bose about four months after it was removed from Bose's person, and any one could have by accident or design changed the time. Some people have an irresistible impulse to wind a watch or

rotate its hands playfully, when the watch is in their hands and this may well be the explanation for the time 1:10 showing on the dial of the watch.

4.108 Another matter over which some time was expended relates to the allegation that Bose had a gold or gold-covered tooth. The significance of this allegation is that no attempt was made to examine the ashes now resting in the Renkoji Temple in Tokyo to see if the ashes contained any gold. Two members of Bose's family have made contradictory statements on this point. Shri Amiya Nath Bose said that there were gaps in his teeth and he had one or two gold teeth. "There was gold on one tooth at least; it was bound with gold." On the other hand, Shri Aurobindo Bose stated: "So long as he was in India, we were very close to him personally, he did not have any gold tooth here." None of the persons who sought to challenge the crash story on this ground saw Bose after he left India. No one would think of shifting the ashes of a dead person in order to find any gold in it unless there was some meaningful purpose in doing so. After the cremation there was no question of identification and no one would try to examine the ashes to find a quantity of gold in them. Later, when the ashes were taken to Tokyo and placed in the Renkoji Temple, no one thought of committing the sacrilege of opening the urn and examining the ashes. When the evidence of the members of his own family is so contradictory, it will be pointless to pursue the matter further. At most the gold was no more than a drop when melted and might easily have been lost. Habibur Rahman, in the course of his deposition before the Shah Nawaz Khan Committee said:

"I remember distinctly that a little piece of gold which was from the filling of one of Netaji's teeth was removed and placed in the urn."

But since Habibur Rahman has not appeared as a witness in the present proceedings, his previous statement cannot be treated as evidence and I do not propose to take it into consideration. Shri Samar Guha very perceptively pointed out that a gold tooth would have been a distinct hazard when Netaji was travelling incognito in 1941, as it would have facilitated identification, and he may well have removed that tooth had it been a gold one. In view of the contradictory statements of Shri Amiya Nath Bose and Shri Aurobindo Bose, however, it is impossible to come to any conclusion on whether Bose did have a gold tooth or not and, in the circumstances, the omission to examine the ashes at Renkoji Temple is a matter of no significance. If upon examination, now, the ashes do not yield any clue, the

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story of the air crash cannot be said to have been contradicted because (i) Shri Aurobindo Bose said that Netaji had no gold tooth, (ii) according to Shri Samar Guha, a gold tooth, if it were there, would have been a hazard and might well have been removed, and (iii) the infinitesimal quantity of gold which constituted the gold filling might well have been lost. On the other hand, the presence of a piece of gold can always be explained away by saying that it could have been introduced into the ashes by someone determined to prove the story of the air crash and Bose's death at Taipei.

4.109 A strange and, to a person trained in the processes and procedures of judicial investigation, an utterly irrelevant argument is that because many persons including some highly placed and responsible individuals have, from time to time, expressed doubts about the truth or the credibility of the crash story, it must be held to have been disproved. Opinions or beliefs of persons who have no first hand information of the subject matter of an inquiry are wholly inadmissible in evidence, and they cannot be taken into consideration for the purpose of determining the truth or to formulate conclusions about what happened. Opinions are allowed to be cited only in certain specified cases and for certain specified purposes. These are set out in Sections 45 to 51 of the Indian Evidence Act. Of these 7 sections, Section 45 is the only relevant section. This reads as follows :—

"When the Court has to form an opinion upon a point of foreign law, or of science or art, or as to identity of handwriting (or finger impressions), the opinions upon that point of persons specially skilled in such foreign law, science or art, (or in questions as to identity of handwriting) (or finger impressions) are relevant facts.

Such persons are called experts."

Illustrations

- (a) The question is, whether the death of A was caused by poison. The opinions of experts as to the symptoms produced by the poison by which A is supposed to have died, are relevant.
- (b) The question is, whether A, at the time of doing a certain act, was, by reason of unsoundness of mind, incapable of knowing the nature of the act, or that he was doing what was either wrong or contrary to law.

The opinions of experts upon the question whether the symptoms exhibited by A commonly show unsoundness of mind and whether such unsoundness of mind usually renders persons incapable of knowing the nature of the acts which they do, or of knowing that what they do is either wrong or contrary to law, are relevant.

(c) The question is, whether a certain document was written by A. Another document is produced which is proved or admitted to have been written by A. The opinions of experts on the question whether the two documents were written by the same person or by different persons, are relevant.

4.110 Of the remaining sections, Section 46, relates to facts bearing upon opinions of experts, Section 47 to opinion as to handwriting, Section 48 to opinion as to existence of right or custom, Section 49 to opinion as to usages, tenets etc. Section 50 to opinion on relationship, while Section 51 merely says 'whenever the opinion of any living person is relevant, the grounds on which such opinion is based are also relevant.'

4.111 A reading of the terms of Section 45 shows that the opinions and beliefs of private individuals about a matter like the death of Subhas Chandra Bose or the circumstances in which he disappeared cannot be treated as the opinions of experts. Nobody, how so ever highly placed or how so ever responsible, can be said to be an expert in the sense used in Section 45 of the Indian Evidence Act. Therefore, any opinion held by Mr. Nehru, Mahatma Gandhi or any other person cannot be said to be the opinion of an expert as defined by the Indian Evidence Act and admissible under Section 45 of the Act.

4.112 It will be seen that, by and large, opinions of experts are admitted in only special cases as the illustrations to the sections show. A doctor is an expert on the matter of illness, death, symptoms of illness and causes of death. If the death of a person is a matter in issue the opinion of a doctor who makes inferences from observed symptoms or on examination of the chemical contents of his stomach or viscera will certainly be admissible under this Section. Similarly, if an inquiry is being made into the value of a building or its structural strength the opinion of an engineer or an expert valuer will be admitted. Neither the doctor nor the engineer had any

personal knowledge of the manner in which the deceased died or the circumstances in which the building was constructed. What they say about the matter is the result of their subsequent inspection and is based on their training and expert knowledge. Their opinion is, therefore, admissible. But to travel beyond the bounds laid down in the Indian Evidence Act would be to enter the dangerous territory in which wild conjecture, hopeful speculation, wishful thinking, misguided enthusiasm or a desire deliberately to mislead hold unbridled sway. If the opinion of a person who has heard stories about Bose from others were to be taken into account, pride of place must be accorded to the majority report of the Committee presided over by Shri Shah Nawaz Khan, for this Committee based its opinion not upon rumours or upon the beliefs and disbeliefs of individuals how so ever highly placed, but upon the sworn testimony of persons who claimed to possess first hand knowledge of the facts to which they were deposing.

4.113 But, at the very start of this inquiry I declared that the findings arrived at by that Committee were inadmissible in evidence and certainly not binding upon me. In this view of the matter, neither the majority report nor the dissentient report prepared by Shri Suresh Chandra Bose can be looked at as evidence. Nor has the oral testimony of Shri Suresh Chandra Bose any probative value, for it amounts to nothing more than his opinion resting on what he has heard second hand. If his opinion is to be taken into consideration, the opinion of his two colleagues must also be looked at and treated as evidence. Then, by the sheer logic of numbers the majority report must be given greater weight. We should then be driven to the absurd conclusion that this Commission could, without holding any inquiry, have adopted the findings of S/Shri Shah Nawaz Khan and Maitra.

4.114 It must, however, be conceded that the arguments set out in both the majority report and the dissentient report can legitimately be adopted by Counsel and urged by him to support or to rebut a specific version or hypothesis. Counsel, were indeed, allowed to do this. Therefore, though almost the entire long and rambling statement of Shri Suresh Chandra Bose is inadmissible in evidence, many of the arguments upon which he placed his conclusions were allowed to be advanced by Shri Mukhoty and Shri Dutt Majumdar. There is nothing strange or anomalous in excluding this argument when uttered by Shri Suresh Chandra Bose and admitting it when spoken by Counsel, for the one is the mere opinion

of a non-expert and the other is commentary on evidence produced in the course of the present inquiry. Shri Suresh Chandra Bose's statement was made as if it were a piece of evidence, though it was no more than his opinion based on material which is not before the Commission. Counsel's arguments on the other hand related to evidence heard by the Commission. The two thus fall into entirely separate categories.

4.115 Counsel has relied upon opinions expressed at different times by Mr. Nehru, Mahatma Gandhi, Dr. Radhakrishnan, Shrimati Vijay Laxmi Pandit and other persons, though none of them had any personal knowledge of the matters under inquiry. These opinions are wholly inadmissible in evidence but since the argument was advanced with considerable vehemence I propose to deal with the matter briefly.

4.116 Let us first take the opinion expressed by Mr. Nehru. It is said that in reply to a letter of 12-5-1962, from Suresh Chandra Bose, Mr. Nehru said :—

"You ask me to send you proof of the death of Netaji Subhas Chandra Bose. I cannot send you any precise and direct proof. But all the circumstantial evidence that has been produced and which has been referred to in the Inquiry Committee's report has convinced us of the fact that Netaji has died".

This statement has been construed as an expression of opinion that no precise and direct proof of Bose's death existed, and therefore, in Mr. Nehru's opinion, Bose had not been proved to have died. It is clear that when we read Mr. Nehru's reply in full the interpretation sought to be placed upon is a gross travesty of what he said. Mr. Nehru had throughout taken the stand that he believed in Bose's death, although even such belief would not be admissible in evidence on the grounds stated above.

4.117 On another occasion, Mr. Nehru is alleged to have said that he had no conclusive proof of Bose's death. It is not clear in what context Mr. Nehru made this statement, but if by conclusive proof we understand proof which cannot be rebutted as laid down in Section 4 of the Indian Evidence Act, then undoubtedly Mr. Nehru had no conclusive proof of Mr. Bose's death. This, however, does not mean that Mr. Nehru disbelieved the story of the air crash and Bose's death. Mr. Nehru's words have been distorted and misinterpreted.

4.118 Another argument advanced is that though Mr. Nehru was unwilling for some time to order an inquiry into Bose's disappearance, he was finally prevailed upon to appoint a Committee. When the Committee submitted its report the government accepted it and Mr. Nehru in his subsequent replies to questions, asked in Parliament, said that he was convinced of the truth of the crash story, and that there was no further need to order a second inquiry. Mr. Nehru's decision to appoint the first Committee has been interpreted as arising from a doubt entertained by him regarding the truth of the crash story. For the same reason when Mrs. Gandhi agreed to the appointment of the present Commission, her concession to the demand of a large number of Members of Parliament was construed as a doubt in her own mind regarding the truth of the crash story. Neither the order of Mr. Nehru nor the decision of Mrs. Gandhi to direct an enquiry into the disappearance of Subhas Chandra Bose was the consequence of a personal doubt or disbelief in their own minds; but, in any event, any number of doubts, any measure of disbelief cannot add up to anything. The value of such doubt is zero and the sum total of several zeros is no more than zero. It is clear that any doubt entertained by anyone, who has no first hand information, is of no significance whatever, when we are measuring the quantum or the value of the evidence upon which a finding can be based. If the person who entertained the doubt were to state the reasons for his doubt or the material which had led him to disbelieve a certain fact or event, we should examine the intrinsic worth of such reason or material and come to an independent finding. For this purpose and to this extent alone are doubts relevant. Doubts and disbeliefs *per se* have no value whatsoever, and must be firmly excluded from consideration. Mr. Nehru's change of mind, if it can be called a change of mind, when he appointed the Shah Nawaz Khan Committee was a concession to public demand. In a democracy such concessions are often made even against one's better conviction, in response to the demand of a few individuals who are more vocal and more vociferous than millions of others who are content to accept the happening of an event and have no wish to question it. Such a decision often means no more than that the Government in power has nothing to conceal. The Government's good faith and its truly democratic nature are proved all the more convincingly by what may prove to be a redundant inquiry. This is the real justification for what may seem to many a pointless and unrewarding exercise. Therefore, there is no force in the argument that Mr. Nehru's decision to appoint the Shah Nawaz Khan Committee implied a belief, entertained

by Mr. Nehru, on good and cogent grounds, that Bose did not die as a result of injuries sustained by him in an air crash.

4.119 As regards Mahatma Gandhi, the contention of Counsel is that when he heard of Bose's death he said that his inner voice told him that Bose had not died. He is alleged to have sent a wire to the Bose family at Calcutta not to perform the Shradh ceremony, which is performed only in the case of a dead individual. Also he is alleged to have said that Bose was a great man and he was alive. If Mahatma Gandhi did say these things they could only have been prompted by his deep respect for Bose and a desire to see him alive. When anyone near and dear to us, or anyone great is reported to have died, we are reluctant to reconcile ourselves to the loss and so we do not believe in his death. Mahatma Gandhi's expression amounts to nothing more than such wishful thinking or a symbolic tribute to Bose. There is, however, no direct evidence of any message from Mahatma Gandhi dissuading the Bose family from performing the Shradh ceremony. This is merely the *ipse dixit* of one or two members of the Bose family, and I am not convinced of the truth of what they have said in this behalf. Prof. Guha stated, in the course of his examination, that in Mysore somebody asked Gandhiji what he thought about the report of Bose's death. Gandhiji replied that if some one were to show him Netaji's ashes, even then he would not believe that Subhas was not alive. Mr. Guha did not say that he was present on that occasion and what he said was a second hand report made to him by an unspecified person. So, I find it difficult to accept the correctness of this statement. I do not find it recorded anywhere and it is not clear what exactly Gandhiji said or meant. In any event, I cannot, on the basis of this second-hand statement, accept the contention that Gandhiji disbelieved the story of the crash and therefore the crash never took place. I have already pointed out instances of exaggerations and misstatements which have been prompted by a refusal to believe the story of Bose's death despite overwhelming evidence to support it.

4.120 As regards Dr. Radhakrishnan, his name was specifically mentioned by Shri Goswami, who said that he presented a copy of his book "Netaji Mystery" to Dr. Radhakrishnan and on that occasion, Dr. Radhakrishnan said: "Well, I know of Netaji's existence in 1948". He went on to say that he (Dr. Radhakrishnan) went to Russia and there Subhas Babu came to see him and requested him to make arrangements for his (Bose's) return to India. This is alleged to have happened in 1954. Dr. Satyanarayan Sinha made a somewhat similar statement and

stated that, in Paris when he was acting as Dr. Radhakrishnan's interpreter from Russian into English Dr. Radhakrishnan gave him to understand that to his knowledge Bose was alive and was in Russia.

4.121 Extracts from the statement of Shri S. M. Goswami were sent to Dr. Radhakrishnan for his comments. He sent a prompt reply saying: "I have read verbatim report of Shri S. M. Goswami's statement, which you were good enough to send me. The last time I met Netaji Subhas Chandra Bose was in Darjeeling in the summer of 1940 and I have not made to Shri Goswami any of the statement he has attributed to me."

4.122 Dr. Radhakrishnan was too ill to be examined orally. But he is a far more reliable and upright person than Shri Goswami and I can not give preference to Shri Goswami's statement over the written reply sent by Dr. Radhakrishnan. Shri Goswami was merely inflating his ego, as has been discussed in greater detail in another part of this report.

4.123 With regard to Smt. Vijay Lakshmi Pandit, she has sent an affidavit to the effect that she had never met Netaji Subhas Chandra Bose in any connection after he left India. There is no reason whatsoever for disbelieving this affidavit. It is far more reliable and acceptable than the evidence of a host of witnesses who have made incredible statements about encounters with Bose at different times and at different places.

4.124 There is one more matter about which a brief mention must be made. Lord Wavell was the Viceroy of India in August 1945 and he heard the news of Bose's death in Taipei. Upon a first impression he recorded in his Journal "I wonder if the Japanese announcement of Subhas Bose's death is true." He felt somewhat sceptical, and thought that this would be the sort of statement which the Japanese would make, if Bose were going underground. In subsequent entries in his Journal, Lord Wavell took Bose's death as proved and repeatedly referred to him as a dead person. These entries appear in the book **Viceroy's Journal** by Wavell.

4.125 A statement attributed to Lord Mountbatten has been also mentioned in the course of these proceedings. He is alleged to have recorded that Subhas Chandra Bose has once more escaped. If he did make this comment it obviously meant that the Allied Military authorities had not been able to capture Bose alive. Mountbatten's observations cannot be taken to mean that he had information of Bose's escape to a place of safety.

4.126 These so called doubts and beliefs, therefore, amount to nothing, and the argument of learned Counsel that because eminent persons, holding responsible positions expressed doubts about the truth of the crash story, the story was false, has no force or validity. These persons had no personal knowledge. They were giving expression to their views at a time when no proper inquiry into the matter had been made. Indeed, in the earlier enquiry carried out by the personnel of the British Intelligence the finding was to the effect that Habibur Rehman's story was true and that Bose had, in fact, died.

4.127 With regard to the other persons who have expressed their opinions and beliefs it is sufficient to say that these persons were actuated not by a desire to tell the truth but by other motives. The evidence of many of them has been discussed in another part of this report and the worthlessness of their evidence demonstrated. There are others who do not merit even a passing mention because their opinions or beliefs are nothing more than a figment of their imagination or deliberate falsehood calculated to draw attention to themselves.

4.128 After giving the most anxious consideration to all the available evidence, the criticism to which the statements of the various witnesses were subjected and the arguments advanced by counsel, I have reached the conclusion that the story of the aircrash at the Taihoku airfield in Taiwan and the subsequent death of Bose, resulting from burn injuries sustained by him in the crash must be believed. This story is substantiated by the testimony of wholly independent witnesses, four of whom were Bose's co-passengers in the plane which crashed, one is the doctor who

attended to him and signed his death certificate and several others mentioned in the course of this chapter who have corroborated this story in all material particulars. I am not prepared to accept the contention that the entire military organisation of Japan had entered into a conspiracy to put forward a false story in order to cover up Bose's escape. Such a hypothesis is foreign to reason and to human nature. Most of the witnesses who gave evidence impressed me by their frank and honest demeanour. The Doctor, too, appeared to be a most convincing witness of truth. The criticism advanced against the testimony of these witnesses has been discussed by me in the foregoing pages, and in the end, it is only necessary to say that this criticism does not shake the strength and the value of the evidence.

4.129 I, therefore, find it proved beyond all reasonable doubt that Bose travelled in a Japanese bomber from Touraine to Taihoku on the morning of 18th of August, 1945. At Taihoku the plane stopped for a short time to refuel. The pilot detected a snag in one of the engines. This was attended to, and the pilot pronounced the aircraft to be air-worthy. The propellers of one of the engines had been damaged in a previous accident and the repair carried out did not completely restore the efficiency of the engine. This finally caused the crash at Taihoku, almost immediately after the plane took off. The plane crashed to the ground, broke into two parts and caught fire. In this fire the pilot and Genl. Shidei died instantaneously and of the other men on board, the co-pilot Ayoagi died later and Bose also succumbed to his burn injuries during the course of the following night. His body was cremated and the ashes were taken to Tokyo.

FIVE

EXAMINATION OF CERTAIN HYPOTHESES

5.1 In this Chapter I propose to deal with three matters which were agitated before me at some length, though they have only a remote and indirect bearing on the facts under inquiry, viz.

- (i) what was the exact nature of relations between Nehru and Bose;
- (ii) was Bose declared a war criminal, liable to be tried and punished by the special tribunal set up for this purpose; and
- (iii) What is the significance of the earliest enquiries regarding Bose conducted by Intelligence and secret service personnel.

It will be seen at once, that the answers to these questions may throw some light on Bose's attitude and his plans, but they cannot afford much assistance in the investigation of what happened on August 18, 1945. But since it has been argued that these matters are helpful in understanding Bose's character and the plans he may be assumed to have made (when no positive evidence of such plans is available) they demand more than a passing reference in this report.

5.2 The argument relating to Nehru-Bose relationship was advanced with considerable vehemence. It was alleged that Nehru was hostile to Bose, and had been so, ever since Bose defeated Gandhiji's nominee at the election for the Presidentship of the National Congress in 1939. Nehru looked upon Bose as a rival and, after India attained independence, a danger to his position as supreme leader and political head of India. Nehru, so it was argued, had never accepted the truth of the air crash story, and he knew that Bose was still alive. It was suggested in the course of arguments that Nehru was indeed, in some way, responsible for Bose not making a public appearance. Nehru, therefore, contrived to obtain a false report of Bose's death by appointing a committee, the members of which he could control or influence.

5.3 To support this argument, reliance was placed on the supposedly hostile feeling between Bose and Nehru arising out of differences in their political

ideologies. A statement attributed to Nehru was that if Bose invaded India with the assistance of the Japanese army, he (Nehru) would oppose Bose with the force of arms. It was also alleged that Nehru, at the invitation of Lord Mountbatten, went to Singapore in 1946, and there, agreed to some plan whereby Bose could be prevented from making himself manifest.

5.4 Let us first examine the political differences between Nehru and Bose, and see if there is evidence of any hostility or animus on the part of Nehru towards Bose. The Counsel for the Commission read extracts from *A Bunch of Old Letters* by Jawaharlal Nehru, the authenticity of the contents of which was not challenged by anyone. These letters show that there were, no doubt, political differences between Bose and Nehru, and whereas Nehru was a more moderate politician, Bose was inclined to be more revolutionary and more impetuous. But we find no evidence whatsoever of any hostility, recrimination or vindictiveness on the part of Nehru. Indeed, before the unpleasantness caused by the presidential election of 1939, Bose had written to Nehru in the most affectionate and respectful terms. He wrote on March 4, 1936: "I shall make the statement as short as possible and say clearly that I have definitely decided to give you my full support. Among the front rank leaders of today, you are the only one to whom we can look up to for leading the Congress in a progressive direction." Again, on 13th March, 1936, he wrote to Nehru: "I can think of no one else in whom I could have greater confidence." Writing on June 13, 1936, he expressed concern about Nehru's health, saying, "from the papers I gathered that you were over-working yourself and I was feeling concerned about your health. I am glad that you went to Mussoorie for a rest, though a short one. I can appreciate how difficult it is for you to avoid over-working yourself; nevertheless, I do hope that you will not strain yourself too much. It will not help anyone if you have a break down." Again on October 19, 1938, Bose writing to Nehru said, "you cannot imagine how I have missed you all these months. I realise, of course, that you needed a change very badly. I am only sorry that you did not give yourself enough physical rest" A. K. Chanda, writing

on the eve of the presidential election on November 28, 1938, said to Nehru: "And if he (Gandhiji) met you now, he would, in all probability, seek your help in getting Subhas Babu re-elected." When the rift took place, Nehru wrote to Bose, more in sorrow than in anger, regretting that differences had arisen in the National Congress. He said: "As I told you, your contest in the election has done some good and some harm. I recognise the good, but I am apprehensive of the harm that will follow. I still think that, in the balance, it would have been better if this particular conflict had not taken place in this way. But that is a thing of the past and we have to face the future." Bose, however, appears to have taken the differences as a personal affront to his dignity and position. He did not reply to the long letter written by Nehru from which the above passage has been quoted, and later, Nehru wrote to his brother, Sarat Chandra Bose, in reply to a letter which the latter had sent, "but your letter hardly refers to any question of policy or programme. It deals with personal issues and brings serious charges against particular individuals. This brings the argument to a lower level and it is obvious that if such opinions are held by any individual or group against another, mutual cooperation in a common task becomes impossible. I do not know how far your letter represents Subhas's views on the subject. . . . I think it is desirable to have some kind of investigation into the various charges brought by you or others. It is improper that such charges should be made vaguely, and the fact that many people believe in them does not substantiate them. We cannot allow our public life to descend to a level of mutual recrimination. . . . I had hoped that it would be possible in these days of internal and external crisis to have a large measure of cooperation among Congress men, and laboured to this end at Tripuri and before. . . . if there is to be conflict among Congress men, I earnestly hope that it will be kept on a higher level and will be confined to matters of policy and principle."

5.5 In these letters there is not the slightest sign of hostility or antipathy. There is an expression of regret on the part of Nehru for the differences in a national organisation. There is anxiety to avoid a split and a spirit of what may be called sweet reasonableness. It has often been said about Nehru that he never entertained any venom or feelings of recrimination, and that although he was imprisoned a number of times by the British Government, he found it in his heart to be friendly towards the British after independence. It was the system he fought against and not the individuals who were no more than instruments through whom the system was administered.

Indeed, not even the worst detractors of Nehru ever accused him of being vindictive or revengeful. After independence when the question of Bose's family and any assistance which they might need arose, Nehru took every possible step to help them. He was, at all times, agreeable to any measure designed to provide financial or other aid to Mrs. Bose and his daughter, Anita.

5.6 The existence of Bose's widow and daughter was first given wide publicity in India by the *Hindustan Standard* on May 5, 1951. The issue of that date contained a three-column account of a meeting between Aurobindo Bose and his Aunt, Mrs. Subhas Chandra Bose in Vienna, in 1947. It will be recalled that Aurobindo Bose is the son of the late Suresh Chandra Bose and, therefore, a nephew of Netaji. The published account was enlivened by a graphic description of the meeting, and three photographs depicting Mrs. Subhas Chandra Bose, her mother and her young daughter, Anita. One or two passages from this narrative may be quoted :

"Shri Aurobindo Bose, nephew of Netaji Subhas Chandra Bose, told pressmen in Calcutta on Friday that he was proud of her because she was fully inspired by the ideology of her illustrious husband." "His aunt, Mrs. Emilie Schenkl, was eager to come to India with her daughter Anita." "He informed that Prime Minister Shri Jawaharlal Nehru had written to Mrs. Bose some time ago requesting her, as a friend of Netaji and in his personal capacity, to come to India and spend a couple of months here." "Shri Bose stated that when he took leave of them at Vienna, Mrs. Bose gave him some souvenirs of Netaji. Among them were photos of Netaji and his wife, the stone extracted after a gallstone operation on Netaji."

"In reply to the question why the news of Netaji's marriage had not been disclosed earlier, he said it had been withheld for the safety of Mrs. Subhas Bose and her child, because Austria was then under the occupation of the Allied Powers."

5.7 Another nephew of Netaji, Amiya Nath Bose, who has appeared both as Counsel and witness in the present proceedings, wrote to Nehru on June 10, 1952, saying: "I want to send, from time to time, small sums of money to my aunt in Vienna". In another letter he gave the name and address of his Aunt as : Frau Emilie Schenkl, Ferrogasse 24 Vienna. Bose's family was quite enthusiastic about his widow

and daughter until Lalita Bose made a suggestion in 1958 that Netaji Bhawan in Calcutta should be handed over legally to Anita. To this suggestion Amiya Nath Bose, at first, objected as also another nephew Dwijendra Nath Bose. They seemed to have agreed to the transfer somewhat reluctantly. But when Anita's visit to India began to draw near, they had second thoughts. On November 1, 1960, Pradip Bose who is another nephew of Netaji wrote to Nehru that the members of the Bose family were meeting "on 9th November to discuss problems which her visit will entail and also to fix up a comprehensive programme for her." In this letter Pradip Bose did not question Anita's relationship with Netaji, and admitted that she had written to him. At this time somebody appeared to have thought that Anita intended to stay permanently in India. A question was asked in Parliament, and the reply given was that the daughter of Netaji was likely to visit India in December, 1960. Anita arrived in Calcutta and was warmly welcomed. Then she paid a visit to Delhi where she arrived on December 17. The *Sunday Standard* of December 18, 1960, published a photograph of her and also the following news item :

"Miss Anita Bose, 18 year old daughter of Netaji Bose, arrived here today by air from Calcutta for a five-day stay."

Miss Bose, who is accompanied by two other members of the Bose family, Dr. Sishir Bose and Lalita Bose, was received at the airport by Mrs. Nayanatara Sehgal, niece of Prime Minister Nehru.

Miss Bose will be the guest of Mr. Nehru during her stay in the capital. Mr. Nehru received her affectionately at his residence....."

5.8 Some time after this, Haripada Bose raised a point that Anita was not Bose's daughter at all. The cry was taken up by other members of the Bose family apparently for the reasons that Anita's relationship posed a threat to their interest in the property left by Subhas Chandra Bose. Nevertheless, Nehru continued to feel the greatest concern for Bose's widow and child, and took steps to assist them financially. Apart from the small sums of money which Amiya Nath Bose sent her through the Indian Embassy in Vienna, Nehru created a Trust in the sum of Rs. 2 lakhs out of INA Relief Fund. The major portion of this money was drawn from the proceeds of a film depicting the career of Netaji. There was also a contribution of Rs. 45,000 by the West Bengal Government. The income from the Trust money was regularly sent to Mrs. Bose in Vienna. The Trust property was to become

the property of Anita Bose when she attained majority. Emilie Schenkl wrote to Nehru expressing her gratitude for creating a Trust for her daughter, Anita Bose. "May God bless you", she concluded, for this noble gesture". Nehru took a personal interest in the drafting of the Trust Deed and the manner in which it was to be administered. Indeed, he showed far more concern than Bose's family. As early as 1958, when Anita was expected to pay a visit to India, Bose's nephews were not too eager to receive her. Dr. B. C. Roy, Chief Minister of West Bengal wrote to Nehru on December 5, 1958 :

"I have been discussing the question of Anita's coming over to India. I am enclosing a note, which will give you an idea of the present position regarding the house in Elgin Road.

.....

If the heirs of Subhas Chandra Bose are not ready to receive Anita, it will be difficult for her to come and stay at the Elgin Road house, even if she wants to.

Under the circumstances, I have told Lalita to inform Anita not to come to India at the present moment."

As already stated above, Anita did pay a visit to India in 1960 and was warmly received, but the warmth was prompted by the knowledge that she was not interested in her late father's property and intended to go back to Europe after a brief stay.

5.9 There is not the slightest evidence to indicate any feeling of hostility on the part of Nehru towards Bose. The political and ideological differences between them, which arose in 1938, had vanished with the passage of years, and after 1947, when India attained independence, these differences had no relevance whatsoever because the *raison d'être* of these differences was the divergent means which Nehru and Bose thought should be employed to attain independence. Independence having been achieved, the means, which might have had relevance in 1938, were now a matter of no consequence whatsoever. There is nothing to indicate that Nehru would not have welcomed Bose after 1947, had Bose been alive and had he chosen to make a public appearance. In fact, he stated on several occasions that he had always entertained sentiments of respect and affection for Bose.

5.10 With regard to the remark which Nehru is alleged to have made that should Bose invade India with the assistance of Japanese forces, he would

oppose him (Bose) with force, no evidence has been produced to indicate when and in what circumstances this remark was made. It has been alleged by Shri Dwijendra Nath Bose that Nehru did make such a remark during the course of World War II. But it is clear that even if this remark were made, it does not indicate any hostility on the part of Nehru towards Bose. All that Nehru must have meant was that he would have opposed Japanese domination of India to the same extent as he had been opposing British domination. Bose entering India with Japanese assistance could only mean one thing, viz. India would become a colony or a suzerainty of Japan, and to this Nehru was wholly and sternly opposed.

5.11 It has been argued that, in 1946, Nehru was invited by Lord Mountbatten to visit Singapore. There the two leaders drove together in an open carriage and gave the appearance of being friends and political allies. Nehru had been asked to place a wreath on the INA Memorial, but he was dissuaded from doing so by Mountbatten. Mountbatten had the Memorial demolished and Nehru did not raise his voice against this revengeful act of vandalism. So, it was alleged, Nehru was clearly hostile to Bose.

5.12 But Nehru's visit to Singapore in 1946 was not in answer to an invitation issued by Mountbatten. The visit was in pursuance of a resolution passed by the Congress Working Committee on 7-11-1945. The Working Committee appointed an INA Inquiry and Relief Committee. The purpose of this Committee was to gather information and give relief, where needed, to the I.N.A. personnel. The Committee consisted of 12 members, of whom Jawaharlal Nehru was one. The Working Committee then appointed "Jawaharlal Nehru to proceed to Burma and Malaya to inquire into the condition of Indians there and to arrange for their defence and other help." It was in pursuance of this resolution and this direction of the Working Committee that Nehru went to South-East Asia. He met Mountbatten there, but this was a chance meeting. There is not a shred of evidence to indicate that Mountbatten had invited Nehru to Singapore or that he went there in response to such an invitation. Nehru did go to the site of the demolished I.N.A. Memorial and brought back with him marble slabs which had formed part of the Memorial. These he handed over for safe custody to Shah Nawaz Khan. In the circumstances, it was the most natural thing for Nehru to do, because Shah Nawaz Khan, who had been tried as a traitor for taking part in the I.N.A. campaign against the British and proved to have been Bose's staunch supporter and loyal friend, was expected to handle the marble pieces with the

care and respect they deserved. Also, it was natural for Shah Nawaz Khan to take the slabs to the safety of his residential house in Rawalpindi. In the disturbed and uncertain conditions prevailing in the country towards the end of 1946, Shah Nawaz Khan did not think it wise to expose the precious marble slabs to the danger of communal frenzy at Delhi where their identity would be immediately discovered. It was unfortunate that unanticipated events made it impossible to bring the slabs back to India. But nothing in this unhappy episode indicates Nehru's hostility or indifference towards Bose.

5.13 Let us now examine the contention that the Inquiry Commission appointed under the Chairmanship of Shah Nawaz Khan in April, 1956 was a stage-managed event, calculated to suppress the truth and mislead the public into believing that Bose had died in consequence of receiving fatal injuries caused by the crash of an aircraft in which he was travelling. A veiled allegation to this effect was made at the very first public session of the Commission when Shri Amiya Nath Bose stated that he had a very poor opinion of Shri Shah Nawaz Khan's forensic talent and the way in which he had conducted the inquiry. Shri Balraj Tripathi, a little later, suggested that the report should not be considered by the Commission and Shah Nawaz Khan should not be allowed to quote from it. Shri Amar Prasad Chakravarti was more forthright, and at the hearing at Calcutta, on November 2, 1970, he posed the rhetorical question: "Is it not a made to order report to support the statement of Nehru which he made in 1952?" He went on to say: "Had not the report been placed before Parliament, I would not have cared; people would not have cared for this trash, this planned report". He called upon the Government to declare the report null and void. Suresh Chandra Bose, Netaji's elder brother, who was a member of the 1956 Committee, said in the course of his evidence that an attempt was made to corrupt him and purchase his assent to the majority report by the offer of a governorship. This offer, he said, was conveyed to him through Shah Nawaz Khan, who spoke to him at Tokyo where the Committee was recording evidence in the course of its inquiry. Later, when he declined to sign the report, approved and signed by S/Shri Shah Nawaz Khan and Maitra, Suresh Chandra Bose was subjected to pressure and coercion by Dr. B. C. Roy, Chief Minister of West Bengal. Hence the report was a contrived and tendentious document and was proof of Nehru's hostility towards Bose and his determination to suppress the truth and mislead the public.

5.14 It was made abundantly clear, at the very beginning of this inquiry, that the report of the Shah

Nawaz Khan Committee could not be admitted in order to prove the truth of its contents. This being a *de novo* inquiry, the findings in the previous inquiry were neither binding on this Commission nor relevant as a piece of evidence. But the circumstances in which the inquiry was ordered are relevant for throwing light on Nehru-Bose relations as argued at considerable length by counsel appearing on behalf of the Bose family and also on behalf of the National Committee. The events which led to the appointment of the Committee have been narrated by Shri Shah Nawaz Khan and also by Shri Suresh Chandra Bose. There are no essential differences in the facts stated by these two witnesses. According to Shah Nawaz Khan, Government was not at all keen to have the inquiry because the report of Bose's death in an air crash had been accepted as true. But since doubts began to be raised in several quarters and there were newspaper reports alleging that Bose was still alive, Shah Nawaz Khan felt that an inquiry was called for. He said in his evidence before me :

"As a humble soldier and a humble follower of Netaji, like all of my colleagues here, I was anxious to know the truth, and several times, I approached our late revered Prime Minister, Nehru and requested him to have a formal inquiry. I told him, 'we do not believe what people say. Therefore, a regular inquiry should be held.' I kept on repeating this from the day of my release from the Red Fort in 1946. When we got no response, then I went to Calcutta. There, I met the members of the Netaji Smarak Samiti and the President of that Samiti was Shri H. K. Mehtab and the Secretary was Shri S. C. Sinha. I met them and I told them that we must have a regular inquiry, the nation must know what has happened to Netaji and that we must know the truth. I told them that although Shri Habibur Rehman was a very nice man, still unless we held a thorough inquiry, we could not believe him.

"Then the citizens of Calcutta held meetings. I want my friends here to know that it was not a Committee set up by the Government but by the people of Calcutta. Then, we decided that if the Government of India does not send a Committee, the people will send a Committee. I then went to Tarmatar and met Netaji's elder brother and my learned friend's uncle. I asked him, 'if the people of Calcutta or the people of

India agree to send a people's committee on their own, would you be a member of that Committee?' And he said, 'Yes'. I have all that correspondence with me here for inspection if anybody likes to go through it. I can place it on the Table of the Commission.

"When this decision was taken, I came back to Delhi and met the Prime Minister. I told him that the people of India had decided to send a committee to Tokyo and make enquiries about Netaji's disappearance. I asked him, 'would you kindly ask our diplomatic mission there to help us?' When I made that request to Panditji, he said that it would be better if this Committee goes on behalf of the Government. And then the Committee was appointed. There was no pressure, no indication of any specific line on which the Committee was asked to conduct the inquiry. It was entirely an independent Committee as your Hon. Commission is today."

5.15 The statement of Suresh Chandra Bose in no way contradicts Shah Nawaz Khan's story. He said :

".....Prime Minister Nehru anticipated that such an inquiry would come to the finding that Netaji was not dead which he knew to be correct. So, he would be proved to be a liar for having stated that Netaji was dead. Soon after this, a few leaders held a meeting in Calcutta and said that though the Prime Minister had declared that Netaji was dead they did not believe it, and so they decided to form a Committee with me as its Chairman to make an inquiry regarding Netaji. Shri Shah Nawaz Khan was in that meeting and a copy of the resolution passed in it was given to him with a request to hand it over to me and to persuade me to give effect to the resolution passed. So, on his way to Delhi he met me at Tarmatar, Bihar, and informed me all about it and told me that he would report the matter to the Prime Minister. Obviously, Shri Nehru knew that Netaji was not dead, whereby he would be branded as a liar and so he appointed a 3-men Committee with two Government officials, viz. Shri Shah Nawaz Khan who was the Parliamentary Secretary and Shri S. N. Moitra, ICS, who was the Chief Commissioner of the

Andamans and Nicobar Islands, and my humble self as a non-official member taken from our family."

5.16 It will be seen that Suresh Chandra Bose is drawing inferences which are not warranted by the facts, and that the appointment of the committee by Nehru in no way implied Nehru's belief that Bose was alive. Suresh Chandra Bose could not have agreed to sit on the Committee if he had entertained any doubts regarding the genuineness of his assignment, and his freedom to act in accordance with the dictates of his conscience. The evidence was taken in the presence of all three members. All three members went to Tokyo where the statements of a number of witnesses were recorded. Among these witnesses were some who claimed to have travelled with Bose in the plane which crashed. A doctor who claimed to have attended him on his death-bed was also examined. This evidence ostensibly pointed to Bose's death in consequence of an air crash. After the inquiry was completed, a draft document was drawn up in quintuplicate. This document was a short one and contained the principal points to which the three members of the Committee had agreed. Shah Nawaz Khan stated: "This draft was given to the members on the 30th June, 1956 and the members took it home, digested it and came the next day with any changes to be made. Shri Suresh Chandra Bose made the changes in his own hand in pen on all the five copies and then signed it in token of agreement on the frame-work on the basis of which the report was to be written." This document clearly states that all three members agreed to the finding that Bose's plane had crashed and as a result of injuries sustained by him, he had died a few hours later. A photostat copy of the "principal points" is appended to this report and it will be seen that a phrase has been added by Shri Suresh Chandra Bose in his own hand and his signature appears at the end of the document. There is no indication of any pressure having been exercised on Shri Bose before he expressed his concurrence to the conclusion regarding Netaji's death at Taihoku Airport. Subsequently, Shri Bose changed his mind and declined to sign the final draft of the report, and the majority report was placed before the Parliament and published.

5.17 On the facts, therefore, there is nothing to indicate that there was anything fraudulent or stage-managed about the report from the time the Committee was appointed till the time the majority report was laid before the Parliament. Suresh Chandra Bose had been present throughout the hearings, and he had appended his signature to the principal findings upon

which the report of the majority was prepared. I cannot believe the story of the extremely naive and indeed stupid offer of a governorship which Shah Nawaz Khan is alleged to have made to Suresh Chandra Bose. The latter's statement made on 4th November, 1970 is to the following effect:

"My colleagues Shri Shah Nawaz Khan and Shri Maitra could not possibly consider the evidence that was recorded because had they analysed the thing, they would have come to the finding that Netaji did not die; they were ordered to say that he had died and they did so and for which they were rewarded by Pandit Nehru—Shri Shah Nawaz Khan was made Deputy Minister of Railways at the Centre and Shri Maitra, Deputy High Commissioner, Pakistan and subsequently Ambassador of India in foreign countries. And in passing I may say, a bigger award was kept in store for me, and Mr. Khan told me in Tokyo that Mr. Bose, you can become the Governor of Bengal if you choose to. These were the very words. For the rewards which were given to Khan and to Maitra, it was quite natural for Pandit Nehru to give me some reward also, because being a brother, if I had gone against the evidence and supported the report that Netaji was dead, surely he would have given me some reward."

5.18 It is impossible to believe this story. In the first place, Suresh Chandra Bose would not have been appointed a member of the Committee at all, if it were known that he had a completely closed mind on the subject and that he believed his brother to be alive. It was for precisely this reason that a subsequent request to Nehru to name Dr. Radha Binode Pal a member of the Committee was rejected. Dr. Pal had made statements which indicated that he could not bring an impartial, unbiased and unprejudiced mind to bear on the subject. Suresh Chandra Bose was named because it was felt that, as Netaji's brother, he would be anxious to discover the truth, and take an objective view of the evidence produced before the Committee. Also, a committee of which a close relative of Netaji was a member, was expected to inspire confidence in its deliberations. Had Nehru wanted to "pack" the Committee with persons who would carry out his behests, he would not have included Suresh Chandra Bose at all. So, his very inclusion is proof of Nehru's *bona fides*.

5.19 In the second place, had Nehru intended to purchase Suresh Chandra Bose's judgement, he would

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have sounded him before his appointment was announced, and the offer of governorship would have been made before the Committee commenced its labours. No one wishing to obtain a false verdict from a judge appoints him without any preconditions or allurements. The extremely naive and indeed stupid manner in which Shah Nawaz Khan is alleged to have made the offer of Governorship to Suresh Chandra Bose defies belief. Why should the offer have been made half way through the inquiry and, of all places, at Tokyo where witnesses claiming to have been involved in the same air-crash as Netaji and to have seen him die were produced and examined? S/S Shah Nawaz Khan and Maitra apparently believed this evidence and acted upon it. They could not think that their colleague had taken a contrary view. In any event, a majority report would have served the purpose as well as a unanimous report. Persons charged of murder have not infrequently been convicted and hanged upon a majority verdict and Nehru could not have felt any urge to obtain Suresh Chandra Bose's consent.

5.20 There was not a word of this shameful offer of a Governorship to Suresh Chandra Bose in the Dissident Report, though the writer was at pains to enlarge upon his grievances real or imaginary. At two places in his Report (p. 50 and p. 98) he speaks of having been subjected to a dint of influencing, persuading and coaxing by Dr. B. C. Roy, Chief Minister of West Bengal. But there is no mention of any offer of Governorship to him by Shah Nawaz Khan in Japan. This story was obviously invented much later and introduced in order to furnish some slight justification for denigrating the integrity and *bona fides* of Prime Minister Nehru, despite the fact that Nehru nominated to the Committee the persons who were most likely to win the respect and confidence of everyone interested in discovering and learning about Netaji.

5.21 Finally, Suresh Chandra Bose, after hearing the evidence and considering it, signed the "principle points". Paragraphs 2 and 3 of this document are significant. They read as follows:—

- "2. **Whether the plane crash did take place :** The plane carrying Netaji did crash. There is no other evidence to the contrary; the evidence should be considered carefully and in details.
3. **Whether Netaji met his death as a result of this accident :** There is no reason why they should be disbelieved. After a lapse of about 10 years, these witnesses, who belong to different walks of life and to different

nationalities—Habib, an Indian and subsequently a Pakistani, and the others, who are Japanese, who are mostly unconnected with one another and no longer in the service of their Government, and Japan not being a totalitarian State—would not be expected to state what was not true."

5.22 So, at that time, i.e. on 2-7-1956, when Shri Suresh Chandra Bose signed this document, he agreed that the plane carrying Bose did crash and that Bose did die as a result of this accident. He even endorsed the reasons for believing the witnesses. The document was signed long after the alleged offer of governorship was made to Shri Suresh Chandra Bose. Therefore, according to Shri Suresh Bose, he rejected the insulting offer of a governorship in lieu of agreeing to sign a report confirming Netaji's death and then, later, signed the document in which he expressly and unequivocally agreed that the plane carrying Bose had crashed and Bose had met his death as a result of this accident. Suresh Chandra Bose's statement before the Commission is, therefore, seen to be totally false and unbelievable. No offer of governorship could ever have been made to him. No attempt to procure a false report from him was or could have been made. Indeed, he, at the conclusion of the evidence, concurred in the finding of the other two members; but for some reason, changed his mind and resiled from his pronouncement.

5.23 From the above discussion it will be clear that there is not a shred of evidence to support the allegation that Nehru was acting in a vindictive or revengeful manner. There was no reason why he should have wanted to procure a false report about Netaji. When the Committee was appointed, Bose had been absent for more than 10 years. Nehru believed that Bose would not have remained in hiding after India became independent. Even as far back as 1946, it had been stated publicly by Sardar Vallabhbhai Patel that there was no bar upon Bose's movements, and that if alive, he was free to enter India and move about as he wished.

5.24 So, it must be found that the entire allegation that Nehru was hostile to Bose and contrived to obtain a false report regarding his death as a result of an air-crash at Taihoku is without any substance.

5.25 Mr. Mazumdar has, on behalf of the family of Bose, argued with considerable vehemence and persistence that the Government of India has deliberately suppressed or destroyed evidence which would have proved that Bose's name was included in the list of war criminals who were to be tried by the

War Crimes Tribunal. The significance of this contention is that after the victory of the Allies and the unconditional surrender of the Japanese forces, Bose decided to remove himself from the territory occupied by, or under the control of, the Allies and remained in hiding till such times as it became safe to make himself manifest.

5.26 Even before the public sessions of the inquiry began, I had been informed of this aspect of the case by some of the persons who interviewed me and who wished to give evidence before the Commission. I gathered that there seemed to prevail a general impression, in certain quarters, that the name of Subhas Chandra Bose was borne on the list of war criminals prepared by the Allied Forces, at the conclusion of World War II, but since it was believed that Bose had lost his life as a result of injuries sustained in an air crash on August 18, 1945, he could not be brought to trial when the International Tribunal, constituted to try 28 persons, sat in Japan. Subsequently, it began to be said that Bose had not died, and was in fact alive, but to escape the consequences of a trial on a charge of committing war crimes, he had either remained in hiding or had been prevented by his friends and well-wishers from revealing himself. Some persons expressly desired to testify before me, and asked me what the exact position was and if indeed Bose's name was, at any time, on the list of war criminals. They stated that on the answer to this question would depend whether they were in a position to state the whole truth or not. They also wanted to know if there was a list of war criminals valid and still in force and whether Bose's name was borne on this list. Another matter on which they wanted some clarification was whether the Government of India was, under any obligation or international agreement, duty-bound to hand Bose over to an international body who might try him upon criminal charges.

5.27 I, therefore, addressed a letter to the Ministry of Home Affairs posing the following questions:—

1. Was Netaji's name borne on the list of war criminals prepared at the conclusion of World War II?
2. If so, is there such a list which is still in force, and is Netaji Bose's name on that list?
3. Should Netaji Bose be proved to be alive, is the Government of India under any obligation to hand him over to an international body for being tried upon charges of committing war crimes?

4. What will be the Government's attitude towards the freedom of Netaji Bose, should he be found and appear in person?

5. Was any list of war criminals maintained apart from the list which was placed before the international court which held its sittings in Japan?

5.28 A reply was received to this letter after a few days in which it was stated that the Home Ministry has consulted the Ministry of External Affairs, the Ministry of Information and Broadcasting and the Ministry of Defence, and all three Ministries had stated that no such information was available with them. This reply, however, did not deal with the five questions which I had referred to the Ministry, and so a fresh reference was made. In the meantime, on 24th December, 1970, Shri M. I. Sondhi, who appeared as a witness stated: "In the Tokyo verdict, Mr. Subhas Chandra Bose ranks as a war criminal." Mr. Sondhi, however, could not support his statement with any document or other material. I told Mr. Sondhi that there was no question of Bose being tried by anyone as a war criminal and that his name was not borne on any list of war criminals. To this, Shri Mazumdar sought an elucidation in the following terms: "May I seek one elucidation from your Lordship if you would be pleased to give that? Your Lordship has been pleased to declare that you have the authority to say and to pronounce here that neither the Tokyo verdict nor anything with regard to the war criminals' list applies to Netaji Subhas Chandra Bose. I shall feel extremely grateful if your Lordship will kindly elucidate the authority upon which this pronouncement was made."

5.29 I told Mr. Mazumdar that I had made the statement on my own authority, and this, I thought, should be enough in view of the fact that I had been officially informed by the Ministry of Home Affairs that as far as they knew, Netaji Bose's name was not on the list of war criminals. A more detailed reply was not received to my original reference and in this reply it was stated that enquiries made from the Indian Missions in the Hague, New York and Tokyo had revealed that the name of Netaji was never borne on any list of war criminals, and therefore, questions (3) and (4) which I had posed in my first letter did not arise. Despite this, on January 20, 1971, at the sittings at Bombay, Mr. Mazumdar again raised the issue. He did not categorically say that, according to the information given to him, Netaji's name was, in fact, on the list of war criminals. His argument was to the effect that his name might be on that list, and the Government was not willing to assist the Commission,

as fully as possible, to clarify the matter. He made a prayer that the Minister of External Affairs, Shri Swaran Singh, should be summoned as a witness, and indeed the Prime Minister should also be called to make a statement on this matter. He submitted that the Potsdam Declaration of July 20, 1945, the Instrument of Surrender signed on September 2, 1945 and the Charter of the International War Crimes Tribunal were pieces of relevant evidence which must be called in order to throw light upon the matter. He referred to certain observations in the dissenting judgement recorded by Justice Radha Binode Pal in the War Crimes Tribunal which had sat at Tokyo. There was, however, no positive affirmation by Shri Mazumdar to the effect that Netaji was accused of war crimes, and that this was the most important, if not the only reason, for his remaining incognito. I reiterated my belief in the correctness of the information given to me by the Ministry of Home Affairs in their letter of December 23, 1970, but Mr. Mazumdar continued to persist in a demand for more evidence and denounced the Government for, as he said, concealing important evidence from this Commission.

5.30 The matter had been raised even on previous occasions. The first time it was officially mentioned was in 1956, when Starred Question No. 1939 was placed on the table of the Parliament and the reply given was that there was no question of Netaji Subhas Chandra Bose being on the list of war criminals. Then on 12th September, 1962, Shri Uttam Chand Malhotra addressed a letter to Home Minister Lal Bahadur Shastri making an inquiry. The questions he posed were :

- (i) Is Netaji Subhas Chandra Bose still considered a war criminal ?
- (ii) If so, is the Government of India in any way bound to hand him over to the British Government or any other foreign government in case he is still found to be alive ?
- (iii) If so, is there any time limit for doing this and when this time limit is going to expire ?
- (iv) How is the Government of India going to treat him in case Netaji Subhas Chandra Bose makes an appearance.

A reply was sent to Shri Malhotra telling him that according to the information available with the Government of India, Netaji Subhas Chandra Bose's name was not included in the list of war criminals, drawn up by the United Nations War Crimes Commission.

5.31 On August 22, 1963, in Starred Question No. 194, the matter was again raised in Parliament and a similar reply was given. The question and answer are quoted below :—

QUESTION

“*194 SHRI B.D. KHOBARGADE : Will the Prime Minister be pleased to state :

- (a) whether it is a fact that the name of Netaji Subhas Chandra Bose is still included in the list of War Criminals; and
- (b) if so, what steps Government have taken to have Netaji's name removed from that list ?

ANSWER

THE DEPUTY MINISTER OF EXTERNAL AFFAIRS (SHRI DINESH SINGH)

- (a) To the best of our knowledge, the name of Shri Subhas Chandra Bose does not appear in any such list. The United Kingdom High Commission in Delhi issued a statement in 1961 to the effect that his name does not appear and has never appeared in such list.
- (b) Does not arise.”

There was, thus, a categorical, unequivocal denial of the allegation that Bose's name was ever on any list of war criminals.

5.32 Yet a third time, the matter was raised by Shri M. L. Sondhi on December 2, 1970, when he asked whether according to the law laid down in the Tokyo Trial Verdict, Netaji Subhas Chandra Bose was considered a war criminal. In his reply, Shri Mirdha, Minister of State for Home Affairs, referred the questioner to the Starred question No. 1939, to which a reference has already been made above, and repeated the stand of the Government on this matter.

5.33 Even before India attained independence, Sardar Vallabhbhai Patel had stated in the Legislative Assembly, in reply to Starred Question No. 89, on October 30, 1946 that there were no restrictions on the movements of Netaji Subhas Chandra Bose and there was no ban on his return to India. This statement was made before the British rule had ended, and it is clear from this that the British Government had not declared Bose a war criminal and did not regard him one. A statement was also made by the British Deputy High Commissioner at Calcutta that Netaji was not on the list of war criminals.

5.34 There is, therefore, no evidence whatsoever to indicate that Bose's name was ever borne on any list of war criminals. There has been no specific and categorical assertion by anyone that Bose's name was on the list of war criminals. That being the state of the matter, I posed a question to Shri Mazumdar on 21st December 1973 during the course of his arguments. I asked him : "Are you making a definite allegation that Netaji's name was in fact on the list of war criminals?" Shri Mazumdar did not answer this question in the affirmative and all he said was that the matter was being altogether suppressed and he, therefore, could not say categorically whether Netaji's name was on the list of war criminals or not. On my question being repeated, he replied : "I am not making any allegation. In all probability the name is there."

5.35 The matter was raised by him again the next day and I again put the same question to him. His answer was the same, as the following extract from the verbatim record of the arguments of Counsel shows :

"Chairman : When you argued yesterday, was it your case that Netaji's name is in the list of war criminals? You did not give your...

Shri Mazumdar : I will tell you this. It is a question on which pertinently an investigation and an inquiry should be made.

Chairman : I must have some allegation by somebody. Are you making that allegation? Did you make the allegation at any stage? Are you making it now?

Shri Mazumdar : More important point than this is, is Netaji dead or is Netaji living. It is for the Commission to make an enquiry on that point. Is that not the very basis on which the Commission was appointed ?

Chairman : Is it your definite case that Netaji did not die as a result of air crash on the 18th August, 1945 ? Is it also your definite case that Netaji's name was borne on the list of war criminals ?

Shri Mazumdar : Might have been. Very likely.

Chairman : If it is your case, what is it based on ? What is your evidence in support of it ?

Shri Mazumdar : Will the enquirer find it out or does the responsibility rest on me to find out for myself on the level of a private person from the intelligence report in which various belligerent powers were involved in the war.

Chairman : It was at your instance that the whole question of war criminals was brought in, in a very vague and somewhat nebulous manner.

Shri Mazumdar : In conformity with the indications given by you that every Counsel will be impartial, open-minded with the sole purpose of search for truth, we expect and draw inference that Netaji did not die in the air crash, his name was in the list of war criminals. That is a positive case, and having been seen on the 17th and he had planned to give the slip to his enemies and the Allied forces and go to a place of safety where he could carry on his war, it does not require a case from me. He is living that is an inference that we can draw unless it is rebutted.

5.36 It must be remembered that Shri Mazumdar was appearing on behalf of the members of the Bose family. The family has taken a strong stand against the findings of the Shah Nawaz Khan Committee, and their case is that Bose did not die in the alleged air crash of August 18, 1945. Since a definite stand was taken by them in the proceedings, it was incumbent upon their counsel positively to state the case of the Bose family, instead of which Shri Mazumdar has contended himself by making a negative assertion to the effect that the Government have failed to prove that Bose's name was not on the list. It is almost as if Shri Mazumdar were raising a phantom and asking the Government to destroy it, although he himself would not say that the phantom was something real and substantial which needed to be destroyed. In any event, from the evidence and the circumstances discussed above, it is abundantly clear that Netaji's name was never borne on any list of war criminals. It may be that had he been alive and had been apprehended, he would have been tried as a war criminal although it has not been alleged that what he did brought him within the mischief of the Charter of the War Crimes Tribunal. But since his death in the air crash was accepted by all concerned, there was no question, ever, of placing his name on the list of war criminals or of trying him for any war crimes. The Tribunal was appointed specifically and solely for the purpose

of trying certain individuals, and as soon as the Tribunal had concluded its work, it ceased to exist and its members became *functi officio*. There could be no question of trying anyone else under the terms of the original charter. There has been no international agreement or subsequent charter which would bring Netaji (were he alive today) within the mischief of any war crimes tribunal. The Government of India has given no undertaking to any international body to hand Bose over to it, nor has there been any bar on his movements or his entry into India. The argument relating to Bose being accused of war crimes is, therefore, nothing but the purest conjecture, put forward not as an argument but as a piece of rhetoric and casuistry to cloud the issue and to distract attention from the real points for determination.

5.37. An argument, advanced with considerable zeal and enthusiasm, related to enquiries instituted to verify the truth of the report about Bose's death. Lord Wavell had at first been sceptical about the matter, and had recorded in his Journal that if Bose wanted to escape, a false broadcast of his death in an air-crash would be just what the Japanese would contrive.

5.38. Within a month of the broadcast, the Government of India deputed a team of policemen to go to South-East Asia to make an on-the-spot enquiry about Bose. The team, headed by Superintendent of Police Finney, and assisted by a wireless operator Davies, and Inspectors of Police A. K. Roy and Kalipada Dey, flew to Burma in the beginning of September 1945, and thence proceeded to Bangkok, where a number of persons were interrogated and the files of the British Military Mission were studied. A visit was also paid to Saigon, but the team could not proceed further to make enquiries at Taipei, because arrangements for their transport could not be made. The team prepared a consolidated report which was submitted to the Government of India. Finney, Davies and A. K. Roy were not available, when the present inquiry was held, but Kalipada Dey appeared as a witness before the Commission and narrated the story of the investigation and the substance of the report submitted by the team. Copies of three reports bearing Finney's signatures, dated respectively 5-10-1945, 10-10-1945 and 12-10-1945 and one report signed by Davies dated 7-10-1945, have been supplied to the Commission by the Intelligence Bureau.

5.39. Another independent inquiry was held by the Counter Intelligence Corps General Headquarters, United States Army Forces. The report of this investigation was submitted by Lt. Col. Figgess on

8-10-1945, followed by a letter dated 17-11-1945. The report was based on the interrogation of Habibur Rahman. With the letter were sent five photographs which had been supplied by the Japanese Government. Three of the photographs depicted the wreckage of the aircraft in which Bose was alleged to have been involved, one depicted Habibur Rahman with his face and hand bandaged, sitting on a chair in the hospital at Taipei, and one showed an unidentifiable body or object covered with a sheet. Copies of the report dated 8-10-1945, letter dated 17-11-1945 and the five photographs have also been made available to the Commission, but neither Lt. Col. Figgess nor any other member of the counter Intelligence Corps could be traced and summoned to give evidence in person.

5.40. There was a yet third enquiry by the Combined Services Detailed Intelligence Centre (CSDIC). In the course of this enquiry B.C. Chakravarty (Witness No. 168) interrogated a number of persons including Habibur Rahman in the month of December, 1945. On the basis of Chakravarty's interrogation, a consolidated report was prepared by four officers of the Centre. A copy of a report purporting to have been drawn up by the C.S.D.I.C. and covering 25 closely typed foolscap pages, appended to the record of interrogation, has been made available to the Commission.

5.41. The argument raised by Counsel is that no one and, in particular, not even the authorities of the Government of India, believed the story of the crash, and that was the only reason why they ordered enquiries to be made into the truth of this report. From this, Counsel sought to infer that the story of the crash was most certainly false and Bose did not die in the air crash. The argument, therefore, is of a negative nature and borrows support from non-existent material. It is, however, necessary briefly to examine the significance and relevance of these three enquiries.

5.42. Kalipada Dey (Witness No. 5) was an Inspector of Police attached to the Intelligence Bureau of the Government of India in 1945. His story is that a team of Police officers headed by Superintendent of Police T. S. Finney was sent to verify the report of Bose's death. When questioned about the instructions given to him by Mr. Finney, Dey stated: "So far as I can remember, he gave us instructions to make enquiries whether he is dead or alive." Shri Dutt-Majumdar, Advocate, pursued the matter further, and put the following question to him: "Inspector Dey, as an experienced and intelligent officer of British Intelligence in India, will you please tell the learned

Commission whether it is not a fact that between September and November when you were deputed, the British Government thought and believed that Netaji was somewhere in hiding in South-East Asia and, therefore, you were sent out to identify him, if you could, and to effect his arrest. Is not that so?" Dey answered quite clearly "No, to investigate regarding his death". The team also received a copy of the Japanese message sent by wireless and the message was to the effect that the plane which left Saigon and crashed at Taihoku aerodrome and Netaji had died. The witness went on to say that the substance of the police report was that Netaji had died due to air crash at Taihoku on the 18th August. This is borne out by the copy of the report supplied to the Commission. The witness said that some of the records of the enquiry were destroyed in his presence. This may have been done by the British authorities before they handed over the reins of Government to the Indian leaders in 1947. But since we have the primary evidence of Dey, the man who conducted the investigation and prepared the report, the destruction of any document is a matter of no consequence whatsoever. The sworn testimony of Dey, corroborated by the copy of his report supplied to us, leaves no doubt whatsoever that there was no question of disbelieving the report of the crash or of any concealment of evidence; and the Government of India quite naturally wanted to verify the report of the death of an important individual who was, to boot, a stern and uncompromising opponent of the British Raj. The enquiry merely confirmed the news which had been originally broadcast.

5.43 The evidence of Sasdhar Majumdar (Witness No. 7) furnishes further corroboration of Dey's evidence. He says that he met Finney, after the latter returned from South-East Asia, and asked him what was the conclusion of the investigations carried out by him. The witness went on to say: "Mr. Finney said, in one or two sentences, that to the extent it was humanly possible to draw a conclusion, they were satisfied with regard to both the Army and the Civilian investigation that Netaji was dead." There was nothing in Majumdar's statement which casts doubt on the reliability of Dey's evidence or of the documentary material supplied by the Intelligence Branch.

5.44 Not much need be said about the second inquiry conducted at the instance of the United States Armed Forces Counter Intelligence. The report prepared by Lt. Col. Figgess was based on the record of Habibur Rahman's interrogation carried out by the C.S.D.I.C. to which a detailed reference will presently be made. Figgess did not appear as a witness in the present inquiry, and so the report prepared by him

had little probative value. In any event, it is a piece of secondary evidence. Finally, there is nothing in the report to contradict or rebut the story of the air crash at Taihoku. The account of Bose's death, given by Habibur Rahman, was accepted as true. The five photographs submitted with Figgess' letter of November 17, 1945, were produced before the Shah Nawaz Khan Committee and form part of the record of its proceedings. The same five photographs were produced before the present Commission, but they are not being relied upon, as in the absence of Habibur Rahman who alone could have testified to what they depict, they cannot be held to have been proved. Moreover, they are inadmissible in evidence as they do not constitute direct or primary evidence either of the aircrash or of Bose's death.

There is, thus nothing in the report of the Counter Intelligence to cast doubt on the story of the happenings at Taihoku as narrated by Bose's copassengers and Dr. Yoshimi.

5.45 The third inquiry, as already stated, was carried out almost entirely by Shri B. C. Chakraborty (Witness No. 168), who interrogated a number of persons including Habibur Rahman, and prepared a consolidated report after discussing the whole matter with his colleagues.

5.46 Chakraborty was a member of the Indian Police Force who was deputed to the War Department of the Government of India during World War II and attached to the Combined Services Detailed Intelligence Centre (CSDIC), a global organisation of which Col. Stevenson was the local Commander.

5.47 The sum and substance of Chakraborty's evidence is that in December, 1945, he interrogated Habibur Rahman and a number of other persons. He also scrutinised some Intelligence Reports made available to the Centre. The transcripts of the interrogation and the intelligence reports were examined and discussed by the witness and three other officers, and then a consolidated report was drawn up and submitted to the C.S.D.I.C.

5.48 Shri Chakraborty said that he entertained grave doubts about the truth of Habibur Rahman's story, and he embodied these doubts in the final report. He said: "after analysing all the reports that were in hand at the time in the C.S.D.I.C., it was obvious that Col. Habibur Rahman told lies or the Japanese Government concealed facts. Their reply was nothing other than a product of conspiracy regarding the movements of Netaji Subhas Chandra Bose on August 18, 1945."

5.49 He was asked if the British Military Intelligence or the Allied Command had come to any conclusions about Netaji's death or escape, his reply was: "None of them believed that this information could be correct because of the various discrepancies in the reports and specially the notes pointing out the discrepancies by me and also by other officers."

5.50 The nature of these doubts and discrepancies is indicated by the following extract from his statement before the Commission :—

"Q : What was the substance or the conclusion about the alleged air crash and Netaji's alleged death which was conveyed to London?

A : I will answer as far as I have written and not as far as I have heard. After recording the statement of Habibur Rahman, I myself recorded the answers he gave on cross-examination. I asked him, why he was not anxious to see the face of the dead leader when the doctors announced that Netaji died on the operation table. His answer was that he was not allowed to stand there for long. Secondly, when he was told that the body would be carried to the furnace, I asked him, "was it not your duty as the second in command of the INA to accompany the dead to the furnace?" To this, he looked at my face and could not give me any answer. He jumped at his feet and shouted, "I can say with Koran in hand that I was not allowed to accompany the dead from the operation table to the furnace". Thirdly, when on the following morning i.e. on 19th August, 1945 morning, a colonel of the Japanese Army and a doctor of the Japanese Base hospital handed over to him a brass pot saying that this pot contained the ashes of Netaji he could not forward a pertinent answer. He admitted that his only duty was to hand it over to the Commander of the INA Gen. Bhonsle. Fourthly, when I asked him "under whose advice you had been to Tokyo to carry the ashes" he did not give any reply. When I questioned him that he was hiding in Tokyo instead of trying to communicate the information of the death of one of the leading statesmen of our country, he remained mum, he did not give any answer".

"Q : Did it occur to you to ask Col. Habibur Rahman that when both of them were in

the same plane how Col. Rahman escaped with minor injury and Netaji was alleged to have been burned?

A : I did not ask him this question. But I can explain your question. When the body is rather bulky the impact of a crash is more serious on the bulky side. However, Col. Rahman stands on his own statement. There is nobody to say or to contradict what he said.

"Q : Am I right or am I wrong that at the time there was no conclusive evidence?

A : Yes, not at all. The only available evidence was the statement of Lt. Col. Habibur Rahman. When he was subjected to questions he failed to give pertinent answers to all the questions. The question was that he was not delivering the truth".

"Q : May I take it, Mr. Chakraborty, that when you submitted your report on 30th December, 1945, you covered the entire episode of Netaji Subhas Chandra Bose?

A : I submitted the report to the Command on the 30th December, 1945, evening. I sat with three officers at Bahadurgarh. These reports, including the statements I recorded, were combined and a summary report was prepared. This summary report was scrutinised by the officers. There was one from England; I do not know his name. He was also there. After a thorough scrutiny and after pointing out the defects in the statement a forwarding note was also prepared."

"Q : Did the report cover the incidents in regard to Netaji right upto the time of the alleged aircrash?

A : Probably this covered their movements for the last three months and the collapse and surrender of the Japanese. There were a few lines here and there which have bearing on the main report but I do not remember those details. If you ask me a specific question perhaps I can say something. This report which I made and which should be available with the Government of England was a very lengthy one covering all the details including the substance of the statements of different important personages of INA".

“Q : Now, leaving aside the report, let me ask you if you did see Col. Rahman’s hands ?

A : Yes, in my younger days when I was in school and college I saw him in 1928 and also when he was the G.O.C. in the Congress Volunteers at Exhibition Road. I was then in the St. Xaviers’ Hostel in 1929.

Q : I am not asking you about Netaji, I am asking you about Col. Habibur Rahman ?

A : Oh, yes, I have seen his face.

Q : Did you see his hands ?

A : Yes, I examined the burns of his hands, I got the medical report and I got the report tested by another and re-tested by another surgeon”.

This is what he has to say about the theft of the watch.

“Q : Did he tell you that he had brought a watch that Netaji was wearing during the last fateful days ?

A : Yes, that watch was stolen from Col. Rahman. This was Netaji’s souvenir and it was given to him at the Taihoku airport after the accident,

Q : But before being stolen, did you see the watch ?

A : I cannot recollect, there were so much talk about it. I am carrying only an impression in my mind as if I saw the watch.

Q : Can you say whether the watch was round or rectangular?

A : I cannot tell you that.

Q : In his statement did Col. Habibur Rahman give any description of the watch ?

A : I did not ask him about the size and shape of the watch.

Q : Can you give us an idea as to how long after finishing the interrogation of Col. Habibur Rahman the watch was stolen ?

A : I cannot say, I do not remember. But I am sure it was stolen”.

5.51 At the time this statement was made the file relating to the inquiry instituted by the C.S.D.I.C. had not been sent to the Commission. It seems to

have been thought that the file was not available. Indeed, Shri Dutt Majumdar questioned the witness on the point :

Q : You are an extremely knowledgeable person and so I am asking you to kindly give us the information that supposing the Hon’ble Inquiry Commission wants to requisition and call for a copy of your Report of 75 pages, I understand submitted then, as also such other statements, who should be requisitioned through Government of India for production of the same ?

A : The then Secretary, War Office, London. C.S.D.I.C. was not under the control of the officers of India, and since war was over, it was disbanded, and personally I think that such important things were not left behind by the officers who were working in the C.S.D.I.C. May be, a few statements, not so important, were left with the Government of India.”

The non-receipt of the file appears to have lent a measure of boldness, bordering on recklessness, to Shri Chakraborty’s conduct when he made his deposition before the Commission, for he anticipated little risk of contradiction of the statements he made. But the file containing a lengthy and detailed record of the interrogation carried out by the C.S.D.I.C. and a 25-page closely typed report, was subsequently made available to the Commission, and I have no doubt at all that this is the material collected by Shri Chakraborty and the material on which he professes to base his doubts and his disbeliefs of the crash story. But, because the report covers 25 foolscap pages and not 75, Shri Mukhoty and Shri Dutt-Majumdar have argued that this is not Chakraborty’s report. The real report is alleged to have been deliberately withheld because it did not affirm the truth of the crash story. On this assertion was built up a formidable edifice of the Government’s *mala fide* and deliberate suppression of evidence from the Commission. Thence proceeded a vociferously argued contention that, to the knowledge of the Government of India, Bose did not die of injuries sustained in an aircraft crash, and the Government did not want the truth to receive publicity.

5.52 When examined, this argument is seen to be nothing but a string of false assumptions and non-sequiturs. The file containing the record of the interrogation carried out by Chakraborty, and his report was produced before the Commission by an officer of the Government and I have carefully pursued the long interrogation as well as the report. This report

is dated 31-12-1945, the date mentioned by Shri Chakraborty in the course of his statement before the Commission. The report purported to have been submitted to the C.S.D.I.C. as alleged by the witness. The report may well have covered 75 pages when written in long hand on a small sized paper. Shri Chakraborty has not explained what was the size of the paper he used and whether the report was hand written or in typed script. In fact the figure of 75 was put to the witness by Shri Majumdar. It is difficult to believe that two such lengthy reports were prepared on the same date and submitted to the same authority. I, therefore, do not accept Counsel's contention that the report has been withheld. I treat the report in the file before the Commission as the report which Shri Chakraborty claims to have prepared.

5.53 The contents of the file speak for themselves as they are exactly what Shri Chakraborty described in the course of his statement. The record of the statement made by Habibur Rahman does not contain the contradictions and discrepancies mentioned by Shri Chakraborty in the course of his statement quoted above. Nor does the report prepared by him contain any mention of any doubt entertained by Shri Chakraborty. Let me quote the relevant portion of Shri Habibur Rahman's statement from the file :—

"At about 1400 hrs. the bomber reached Taihoku (Formosa) airfield where it refuelled and the passengers had lunch. No Indian was there to meet them and neither did Bose interview anyone there. While having lunch Bose mentioned casually to B1269, in Hindustani, that he hoped the Japanese would make arrangements for the rest of the party to come in time, and not disappoint them, as they had done previously at the time of his return from Tokyo. After a stay of about half an hour at the airfield, the bomber took off again. Before B 1269 and Bose entered the plane, the engine had been started and the crew were all in their places. About 5 minutes after taking off, and when the plane had reached an altitude of about 300 ft., B 1269 heard a very loud noise which resembled cannon fire, coming from the direction of the nose of the plane. B-1269 thought at the time that the plane had been attacked. The aircraft appeared to lose flying speed and crashed almost immediately afterwards, hitting the ground on its nose. The engines as well as the rear of the plane were on fire. B1269 saw Bose attempting to move towards the rear of the

plane, but on B1269's suggestion, Bose changed his course and moved towards the front. The celluloid cover above the pilot's position had burst open. Some of the Japanese passengers reached the aperture before B1269 and Bose, and crawling through it, dropped to the ground. The aperture was open to the left side of the plane. Bose then crawled through and was followed by B1269. In doing so the flames were coming from the front and B1269's face was burned on the right side (B1269 carries obvious marks of recent burning and scorching on the whole right side of his face). Alighting on the ground and collecting his wits, B1269 noticed Bose in a standing position about 12 yards away with smoke coming from his garments. Bose was endeavouring to remove his clothes. B1269's clothes were not on fire. B1269 rushed towards Bose to help him and finally succeeded in beating out the flames. In doing so, B1269 received severe burns on both his hands (his hands are still bleached and scarred).

Bose had sustained serious burns all over his body, and when he was laid on the ground, B1269 noticed 2 or 3 fractures on the skull. Bose lay for a while on the ground quiet with eyes closed. His last words were in Hindustani "I feel that I shall die. I have fought for Indian Independence until the last. Tell my countrymen, India will be free before long. Long live Independent India." B1269 had seen only one Japanese (probably a Capt) sitting on a boulder near the plane with bleeding injuries on his head. Besides burns on the hands, B1269's face was slightly burnt on the right side, and he also received two minor wounds on the head and one lacerated wound on the right leg below the knee.

Within 10 minutes, a First Aid party arrived in lorries, and Bose and B1269 were removed in one of the lorries to the Army Hospital a short distance from the scene of accident. Among others injured who came to the hospital (some before B1269 and others after) were a pilot, a Lt. Col., a Major and Lt. or Capt. B 1269 later heard that Gen. SHEDAI, the wireless operator, one of the members of the air crew and the Japanese Air Force officer had died. The Japanese Gen. had been killed instantaneously. But B1269 remained with Bose from the time of

the crash until the death of Bose at about 21.00 hrs. that night Tokyo Time. Bose was treated for his burns and several injections were administered by 3 or 4 Japanese doctors who attended him. B1269 does not know the names of the hospital staff. Whilst in hospital, Bose regained consciousness from time to time and uttered a few words, sometimes suggesting that he be given injections. Some Japanese military officers came to the hospital and made enquiries from time to time about Bose's condition. When the doctors announced Bose's death to these officers, B1269 requested them to send news to Bangkok and Singapore about the accident. Bose's body was kept in the room where he died, and B1269 remained there all the night together with Japanese guards and some patients."

B1269 is the code number used for Habibur Rahman.

5.54 The file contains a note to the effect that B-1269 bears marks of burns on the face and on both hands, two slight scars on the head and one mark of an injury on the right leg below the knee. There is another note which reads as follows :—

"When asked to explain why Subhas Chandra Bose was badly burnt and he himself was not, B1269 stated that Bose's clothes may have been drenched in petrol, as Bose sat under a petrol tank in the plane. Bose's clothes were of light weight K. D. B1269 wore knee-boots, serge breeches and a serge tunic: his clothes were not burnt at all. (he wears them now at C.S.D.I.C.(I))."

The report also mentions that at Bose's cremation there were about 30 Japanese medical and military officers present. "B1269 does not recollect any of their names. B1269 states that he was the only Indian present at the time. About half an hour after the body had been set alight, B1269 left the crematorium with the others B1269 carried with him the wooden box containing the ashes of Bose, the two photographs of Bose taken on the 21st August 1945, three photographs of the wrecked plane and a rectangular wrist gold watch with a leather strap".

5.55 Thus, the statement Habib made in the course of his interrogation did not contain any of the discrepancies which Chakraborty mentions in the course of his statement. Mention of the five photographs which were later produced before the Shah Nawaz

Khan Committee was wholly omitted by Shri Chakraborty when he testified before the Commission. We may now quote a passage from the conclusions set out in the report :

"The main interest in connection with B1269's case lies in the fact that he was the only Indian present at the time Subhas Chandra Bose met with a fatal accident when the plane carrying them crashed soon after taking off from Taihoku aerodrome on 18th August, 1945. B1269 has furnished convincing details that Bose there met his death and was cremated in Taihoku in the presence of several witnesses. If further proof were required these Japanese witnesses might also be located and examined if this has not already been done".

5.56 The file, therefore, gives the lie direct to Shri Chakraborty's evidence in the present inquiry. Shri Chakraborty's statement appears to have been made in the hope that the file would not be forthcoming and there would be no material to contradict his testimony.

5.57 The files and reports to which reference has been made above are not more than secondary evidence, the probative value of which cannot compete with what primary evidence yields. Their significance, however, lies in two circumstances. In the first place, these documents were prepared officially by an agency directed to find out the truth and not serve a partisan cause or purpose, nor to make a tendentious report. The Government of India and the Army authorities wanted to know what had happened, and deputed their trusted and reliable officers to enquire, to interrogate individuals and submit the conclusions of their investigation. These officers made direct enquiries, not lending a credulous ear to rumour and gossip. The officers knew that they would be judged by the measure of their competence and honesty in conducting the business entrusted to them. They did not want to, indeed, they did not dare to, invent sensational, unwarranted or unsupported stories of deep intrigues, miraculous escapes and fantastic encounters.

5.58 Secondly, these records were prepared at a very early stage, soon after the occurrences to which they relate, when the memories of the persons who spoke about them were fresh, when they had not been influenced by emotional, political or chauvinistic pressures which came into operation in increasing measure, with the passage of time when imaginary or wishful accounts of Bose's disappearance and re-appearance began to be related and circulated. Of

such nature are Uttam Chand Malhotra's and Dixit's narratives of their strange adventure in the Shaulmari Ashram, Satyanarayan Sinha's flight of imagination and the conjectures of *Netaji Mystery* by Goswami.

5.59 I, therefore, find that there is no force in Counsel's argument that the Government of India have deliberately suppressed or destroyed evidence which has a significant bearing on the matters under inquiry. All files have been made available to the Commission, although the contents of these files are strictly speak-

ing, not admissible in evidence. At any rate, the contents do go to rebut the Counsel's contention that doubts were always entertained about Bose's death and that there is material in official records which disproves the story of the aircrash. These files, if they were admissible, would have corroborated the story of the aircrash, but I do not propose to use them for this purpose. At the same time, I cannot hold that there is anything in these files which contravenes the story of the crash or rebuts the evidence of the witnesses who have deposed to it.

SIX

EVIDENCE OF CERTAIN WITNESSES

6.1 I shall now consider the evidence of some witnesses whose importance lies not in the intrinsic worth of what they had to say, but in the enthusiasm and persistence with which they pressed their claim to be heard. Let me say, at once, that all of them displayed a total disregard for truth, and their main objective in coming before the Commission seemed to be to satisfy a desire for self aggrandizement. I would have dismissed this evidence on the short ground that even a cursory examination of it is sufficient to reject it, but because Counsel, while arguing the matter, devoted considerable time and energy to what these witnesses had said, I deem it necessary to deal with it in some detail.

6.2 The first witness I shall take up is Uttam Chand Malhotra (Witness No. 16) who, it will be remembered, gave shelter to Bose at Kabul in 1941, when after escaping from his home in Calcutta, he arrived in Kabul after a long and hazardous journey.

6.3 Malhotra came to see me first, in my office, on August 20, 1970, soon after the appointment of the Commission had been notified. He identified himself as the person who had given shelter to Bose in his house in Kabul in 1941, and had helped him to escape to Germany. He said that he represented the Netaji Swagat Committee, which had been formed to welcome Bose when he should choose to make a public appearance. Malhotra began by saying that Bose had not died after sustaining injuries in an air-crash, on August 18, 1945, but was very much alive and was now living in the Shaulmari Ashram near Sylhet. He went on to assure me that he would conduct me to Shaulmari and place my hand in Netaji's hand. In this he was supported by another person who accompanied him as the representative of another committee. This was an astonishing statement, and I asked Malhotra why Bose did not make a public appearance at once, thereby resolve all doubts and immediately put a stop to the Commission's deliberations instead of remaining unmanifested and, in consequence, throwing a cloud over the entire issue and encouraging baseless conjecture and wholly unsubstantiated theories. To this question, Shri Malhotra

could give no reply beyond saying that the Sadhu of Shaulmari Ashram would make himself manifest when he considered the time opportune.

6.4 Shri Malhotra sent an affidavit containing substantially what he had stated before me at the personal interview. He tendered his oral testimony at a public session of the Commission on the 28th, 29th and 30th December, 1970. The statement was a long one and covers 220 pages of the typed record. The story narrated by him, in the course of his deposition, was that in June 1962, four persons went to see him at his house in Delhi, one of them, who was dressed in a sadhu's garb, gave his name as Satya Gupta and told him that he had spent three months in the Shaulmari Ashram and had come to the conclusion that the founder of the Ashram was, in fact, Netaji. Gupta went on to relate that he had revealed this fact at hundreds of public meetings in Bengal but strangely enough, no newspaper of Northern India had published a report of what he had stated. This, Malhotra insisted, was the reason why he (Malhotra) had not, till then, heard of the Shaulmari Ashram or of the true identity of the Swami who had founded it and was residing in it. Satya Gupta went on to inform Malhotra that a conference was going to be held in Calcutta on July 22 or 23 to consider the question of Netaji's whereabouts. Gupta asked Malhotra to attend the Conference.

6.5 Malhotra accordingly went to Calcutta, and after arriving there, he contacted Gupta on July 18. Gupta and one Roy met him and asked him to accept nomination as President of the conference. After some reluctance, Malhotra agreed. Malhotra also met Dwijendra Nath Bose, Netaji's nephew, and questioned him about the identity of the Sadhu of Shaulmari. Dwijendra Nath Bose categorically refuted the suggestion that the Sadhu was Netaji. Malhotra was then taken to a Chinese restaurant where the party ordered a meal. At this restaurant, Malhotra talked to Dwijendra Nath Bose, and asked him if he had visited the Shaulmari Ashram and had seen the Sadhu. Dwijendra Nath Bose replied that he had seen him from a distance

through a pair of binoculars. Malhotra then asked him if, on seeing this Sadhu, he (Dwijendra Nath Bose) had exclaimed "Ranga Kaka," (this apparently is the nick name by which Netaji was known to Dwijendra Nath Bose). Dwijendra Nath Bose, promptly denied that he had uttered any such exclamation. Another question which Malhotra put to Bose was whether he had been served with eggs in the Ashram, and when Dwijendra Nath Bose replied in the affirmative, Malhotra exclaimed: "Only those who have your habit and only those who know that you like eggs very much would have asked that eggs be supplied to you. If the Swami was not Netaji, how could you have been supplied with eggs at the Shaulmari Ashram?" Despite Malhotra's insistence, Dwijendra Nath Bose continued to deny that the Sadhu of Shaulmari Ashram was Netaji.

6.6 Malhotra was thus prejudging the whole issue even before he had paid a visit to the Ashram and set eyes upon the Sadhu, said to be Bose. He was, in fact, forcing his judgement on a close and reluctant relative of Bose, insisting that the Sadhu must be his uncle, because no one except his uncle could have known that Dwijendra Nath Bose liked eggs. This is a preposterous way of establishing identity. It has not been suggested that Dwijendra Nath Bose's gastronomic predilection was a secret known only to himself and his uncle from whom he had been parted for, more than 21 years. In the course of these years he must have consumed thousands of eggs, if indeed, he is so fond of them as Malhotra would have us believe, and scores of persons must have known of his dietary preference. In any event, the eating of eggs is not such a rare and so peculiarly a characteristic phenomenon that it should serve as a mark of identification. Malhotra's suggestion is absurd in the extreme and Dwijendra Nath Bose's categorical denial of the Sadhu's identity with his uncle makes nonsense of Malhotra's logic.

6.7 To resume Malhotra's narrative, he was now introduced to Shri Niharendu Dutt-Majumdar, Advocate, and when he put the matter to him, Shri Majumdar emphatically maintained that the Sadhu of Shaulmari Ashram was not Netaji. In Malhotra's words, "then we started the discussion and Mr. Niharendu Dutt Majumdar told me that those people, Mr. Satya Gupta and company, who were saying that the Sadhu Baba of Shaulmari Ashram were Netaji, were lying." Shri Majumdar brought the issue to a conclusion by insisting that Malhotra seek an interview with the Baba, and drawing up an application, asked Malhotra to sign it. This application, addressed to the Baba of Shaulmari Ashram, was endorsed by Shri Majumdar

to facilitate Malhotra's obtaining an interview. It may be mentioned that Shri Majumdar was the Legal Adviser of the Ashram, and therefore, not only knew the Sadhu personally but had considerable influence with him. His endorsement of Malhotra's application would therefore ensure Malhotra's early interview with the Baba.

6.8 Malhotra went back to Delhi, and a day or two later, he received an express telegram informing him that the Baba would grant him an interview on the 30th July. Malhotra, at considerable inconvenience, and financed by his wife, who promptly produced a sum of Rs. 200 for his expenses, travelled to Shaulmari and there, saw the Baba on the 30th and again on the 31st July. Malhotra's account of this interview is an interesting exercise in evasion, circumlocution and misleading half-truths. He did not attribute to the Sadhu a categorical admission of his true identity, but by innuendoes and suggestions tried to convey that the Sadhu accepted, or at any rate did not deny, Malhotra's verbal and spiritual tribute offered to him in the belief that he was offering it to Netaji. Malhotra maintained that he knew Netaji intimately and had entertained him in his house as a guest for a period of 46 days in 1941, and he is quite certain that the Sadhu he saw on July 30, 1962 was no other than Subhas Chandra Bose. But strangely enough he based his conclusions upon a number of imaginary and unconvincing hypotheses. These he enumerated in the course of his deposition as follows:

1. Despite his denials, Dwijendra Nath Bose had in fact seen the Sadhu of Shaulmari and exclaimed "Ranga Kaka". Of this fact he was assured by Rattan Maheshwari;
2. Shri Dwijendra Nath Bose was served with eggs at the Ashram, and this was clear proof of the fact that the founder of the Ashram was Netaji, because only Netaji could know that his nephew, Dwijendra Nath Bose, liked eggs;
3. Although Shri Majumdar had categorically stated that Satya Gupta and Roy were lying when they said that the Sadhu was Netaji, Shri Majumdar had not publicly denounced Gupta and Roy;
4. At a meeting at which Shri Malhotra threw a challenge regarding the identity of the Shaulmari Baba, saying "if anybody knows regarding the Shaulmari affair and knows that the Sadhu there is not Netaji, I will request him—I give him full time—to come

and narrate to the people what is the actual thing at the Shaulmari Ashram." No one in the course of next three hours came forward to say that the Shaulmari Sadhu was not Netaji.

5. In the course of his interview, the Baba told Malhotra: "You know the people of Bengal believe me to be Netaji. I wanted to give you an opportunity of seeing me so that I could tell you who, in reality, I am. This has become a strange kind of mystery." But the Sadhu was never credited with having made an open admission or confession of being Netaji.

6. The Baba, according to Malhotra, had invited a number of prominent persons including Mr. Nehru, Dr. Radhakrishnan, Mr. J. P. Narayan, Dr. B. C. Roy and Mrs. C. R. Das to visit him at the Shaulmari Ashram, but none of them had done so because they did not want to expose themselves to the danger of having to say publicly, what they at heart, believed, viz. Bose was alive and was residing in the Shaulmari Ashram. Baba had, therefore, closed his doors to them now and would not entertain them even if they came.

7. In the course of the interview, the Sadhu referred to Malhotra's article *When Bose was Ziauddin*. On this Malhotra said: "Baba, how you have remembered me from the last 1946 to 1962." The Sadhu laughed and did not give a reply.

8. In the course of the same interview, Malhotra said to the Sadhu that people who visited him in the Ashram remained silent when they came out, and because of their silence, people thought that the Sadhu was Netaji. To this, the Sadhu replied: "They may think so. If people think, what can I do?"

9. Subhas Chandra Bose in his childhood had a nurse named Sharda and this was the reason why the Sadhu of Shaulmari Ashram had adopted the name Shardanand.

6.9. It is scarcely necessary to discuss the logical soundness or the probative value of the 9 reasons given by Malhotra for coming to the conclusion that the Sadhu was, in fact, Netaji. While Malhotra's statement that he quite definitely recognised Bose in the person of Swami Shardanandji would be a piece of relevant and admissible evidence, the inferences he

made from the various circumstances, narrated by him, amount, at most, to an opinion formed on extraneous material and on the conduct of other persons. Such opinion has no probative value, and is inadmissible in evidence. I have already dealt with one of the points enumerated above, viz. Malhotra's reaction to Dwijendra Nath Bose's statement that he had been served with eggs for his breakfast at the Ashram. The other points need not be noticed as the reasoning advanced by Malhotra is wholly illogical and unconvincing. A word may, however, be said about the public meeting addressed by Malhotra at Falakata. When cross-examined by Shri Majumdar, Malhotra admitted that at the very first public meeting which he addressed, after his visit to the Ashram, he told his audience that he was not at all sure of the identity of the Baba, and therefore, could not say that the Baba was, in fact, Netaji. He explained this statement in the following manner: "Baba told me that he was going for *tapasya* for one month. I thought this his *tapasya* should not be interrupted. For this reason, I stated at the Falakata meeting that my eyes might have given me a wrong impression." Malhotra admitted that at this meeting he had said that the Sadhu did not look the same person as Netaji.

6.10 Malhotra paid two more visits to the Ashram but on neither occasion was he admitted to an audience by the Sadhu, and therefore, the only time he saw the Sadhu personally was on the 30th and 31st July, 1962, and after these meetings he publicly expressed his doubts about the Baba being Netaji. What, then, made him change his view? Certainly not any direct or personal information received by him.

6.11 There are one or two other witnesses who corroborated Malhotra's evidence regarding the identity of the Sadhu of the Shaulmari Ashram. They are Hira Lal Dixit, Sajjan Lal and Namwar Upadhyay. It is only necessary to give a few extracts from the evidence of these witnesses to show how palpably false and unreliable their evidence is. Said Hira Lal Dixit: "I went to Shaulmari Ashram on the 17th of January, 1965, and I had *darshan* of a Sadhu there. I know that he is Netaji Subhas Chandra Bose. I went to Shaulmari Ashram without permission. I was arrested and a garland of shoes was put round my neck. I was then beaten and produced before the Sadhu. He told me that I had done a wrong in proclaiming him to be Netaji Subhas Chandra Bose, because he was on the list of war criminals. I was then beaten and put into jail. I have spoken at two thousand meetings and proclaimed that Shri Shardanand, the Sadhu at Shaulmari Ashram is indeed Netaji...I

stayed with Netaji for half an hour in Shaulmari Ashram. I talked to him. He did not admit that he was Subhas Chandra Bose then. He said that he had not been born in Janaki Nath Bose's house, because I knew that he was born in Cuttack. I know for certain that the Sadhu of Shaulmari Ashram was Netaji. I talked to him for half an hour. The man who attended Mr. Nehru's funeral and was near his dead body was Subhas Chandra Bose. I saw this in the newsreel."

6.12 With regard to the Sadhu standing near Shri Nehru's bier, the matter was investigated by the Commission, and we have the testimony of Shri Lokesh Chandra and Shri Vira Dhammavara, a Cambodian monk. The evidence of these two witnesses is that the bald and bare-headed monk seen standing in the picture near Shri Nehru's bier was no other than Shri Vira Dhammavara. The rest of the statement quoted above has only to be rejected as completely false. It may be mentioned here that Shri Dixit is the person who wrote or compiled a book in which Malhotra's theory has been propounded, and Malhotra's interview with the Sadhu of Shaulmari Ashram has been described in somewhat picturesque terms.

6.13 The story of Shri Sajjan Lal (Witness No. 14) is somewhat similar to the story narrated by Hira Lal Dixit. He began his statement by saying that he had never met Netaji in the flesh and had not known him personally. He had, however, seen his photographs. On hearing that the Baba of Shaulmari Ashram was no other than Netaji, he went to interview him. "On 1-10-1964, my wife, my children and I went to Shaulmari Ashram. I met Netaji there. He was known as Shardanandji in Shaulmari Ashram. I remained at the Ashram for 29 hours. I talked to Netaji for about three quarters of an hour during my visit. I paid homage to him, and so did my wife. The Sadhu asked me about our health and then asked me if I was in the same *chakkar* (mental aberration) as Malhotra. I said, yes, and then he said to his Secretary, Ramani Ranjan, that this boy, meaning me, appeared to be a villain and that Malhotra will learn the lesson of his life.....The Sadhu did not deny that he was Netaji. I suggested that he should interview Mr. Uma Shankar Trivedi. He said that no one should come to see him without permission; otherwise they would be disappointed.....On the following day I was turned out of the Ashram. I had no further occasion either to go to Shaulmari Ashram or to meet Netaji personally myself, but I have been telling every one that the Shaulmari Ashram Sadhu is in fact Netaji."

6.14 Namwar Upadhyay (Witness No. 22) also admitted to a rude rebuff from the Shaulmari Ashram. He said he wrote to the Ashram asking for an interview, and he received a letter in reply "telling me that if I had no connection with Shri Uttam Chand Malhotra, I would be allowed to visit the ASHRAM." At the interview, he asked the Sadhu what was the truth in the rumour that he was Netaji. "I also asked him why he did not disclose his identity if the rumour was false. Babaji replied: "That is not my principle." "The Sadhu asked the witness to prepare a list of 100 persons who were familiar with Netaji so that they could come to identify him and proclaim to the world the truth of the matter. The witness, however, could not compose the list, and so the matter did not proceed further. Despite this request of the Sadhu, the witness did not publicize what had taken place at the interview. He said: "I spoke about the identity of Netaji and Shardanandji only to my intimate friends, but said nothing about it to outsiders or politicians. I spoke to everyone and said that Shardanandji was Netaji. I used to speak about the matter every day. I used to speak the truth to everyone whom I considered to be a man good at heart. If a bad man asked me about the matter, I would not deny the identity of Shardanandji but would reply in a negative way that I respected Shardanandji even more than Netaji and placed him higher than Netaji. People understood whatever they liked from this answer and it was not my desire to explain the matter further". Upadhyay's conduct is inexplicable in view of the importance of the matter and the witness's anxiety not only to find out the truth but to advertise it by preparing a list of 100 important persons who could identify the Sadhu and then proclaim his identity.

6.15 The evidence regarding the identity of Shaulmari Baba with Netaji has no probative value whatever and does not merit any contradiction. Contradiction, in ample measure, is however, provided by a number of witnesses. Shri Niharendu Dutt Majumdar, who knew Netaji well and who saw the Sadhu of the Shaulmari Ashram upon several occasions, has categorically stated on oath that the Sadhu is definitely not Netaji. I shall presently discuss Shri Dutt Majumdar's evidence on the point in greater detail. Shri Dwijendra Nath Bose, Netaji's nephew, has made a statement to the same effect. Questions were asked in Parliament on more than one occasion, and it was authoritatively stated that the Baba of Shaulmari Ashram was not Netaji. A criminal case was brought against Malhotra and Dixit under sections 465, 468, 469, 471, 500 and 293A of the Indian Penal Code

by the Ashram, represented by the Personnel Assistant to the Secretary of the Ashram and by the Personal Assistant himself. In the complaint, it was stated that the two respondents, i.e. Uttam Chand Malhotra and Hiralal Dixit had been falsely stating that the Sadhu of the Shaulmari Ashram was Netaji Subhas Chandra Bose and they had forged documents to support their false statement. On one occasion, the Secretary of the Ashram referred to Malhotra and his supporters as "rabidly immoral persons, out to defraud people monetarily and politically by taking recourse to utterly false, cooked up and concocted propaganda." On general considerations alone, it is impossible to believe the story that Bose would remain in hiding for such a long time in an Ashram, be visited and seen by a number of persons, and yet succeed in keeping his identity enveloped in the mist of doubt. Mr. Samar Guha and Mr. Surendra Mohan Ghosh, both of whom know Netaji well, have clearly stated that the Sadhu was not Netaji. Indeed, the harassment to which the Sadhu was subjected by Uttam Chand Malhotra and his supporters made the Sadhu institute criminal cases against them and finally close up the Ashram and escape to an unknown place where he could not be followed and intimidated.

6.16 The identity of the Baba of the Shaulmari Ashram was mooted for the first time on September 29, 1961 when Radhey Shyam Jaiswal, a school teacher, wrote a letter to Mr. Nehru, in the course of which he said that the founder of the Shaulmari Ashram had spread rumours that he was Subhas. In the letter, Jaiswal stated that there was an air of mystery and intrigue about the Ashram. The Sadhu was a chain-smoker and smoked imported cigarettes. He was a linguist, being familiar with Russian, Chinese, German and other languages. He went on to say that the Ashram, in his view, was a centre of some foreign conspirators who were secretly working there.

6.17 The matter was referred to the Intelligence Bureau and enquired into. Several reports on the working of the Ashram were submitted. Of these, the one submitted in June 1962 traced the history of the Ashram, described its activities and expressed the view that there was nothing suspicious or blame-worthy about what was happening in the Ashram, and no political party in West Bengal had shown any interest in the Sadhu's affairs. In the meantime, however, the bare started by Radhey Shyam Jaiswal drew the notice of some imaginative people who began to pursue it and advertise the notion that the Sadhu was in fact Netaji. This stir rapidly assumed

the proportions of an agitation, and public meetings began to be convened and addressed by the protagonists of the strange belief. The initial step was taken by Haripada Bose, Joint Secretary of the Ashram, who towards the end of 1961, began to declare that the Sadhu was Netaji in disguise. He was promptly expelled from the Ashram, and printed leaflets were issued by the Ashram authorities, declaring unequivocally that the Sadhu was not Netaji. Haripada Bose was joined by others, including Satya Gupta of the INA, and they addressed public meetings, insisting that the Sadhu was no other than Netaji. The agitation gathered volume and became a threat to law and order, in certain regions of West Bengal. Prohibitory orders, under section 144 of the Criminal Procedure Code, had to be issued, and there were some actual breaches of the peace. No less than 20 meetings at different places in the State were convened and addressed by Satya Gupta and his supporters. Uttam Chand Malhotra now entered the scene and began to play a prominent, indeed the most prominent, part in propagating the hypothesis which had been vaguely suggested by Radhey Shyam Jaiswal at the end of September, 1961, barely nine months earlier. In vain did the Ashram authorities protest and issue denials. Investigation by the CID and the Intelligence Bureau absolved the Shaulmari Ashram of any suspicious or clandestine designs. The reports submitted to the Government refuted the allegation that the Sadhu was Netaji in disguise. But these declarations and reports notwithstanding, Uttam Chand Malhotra continued to exploit the gullibility of a section of people who are prone to bestow their emotions on anything extraordinary, anything sensational concerning a great personality, be it no more than a figment of somebody's imagination. In the end, the Sadhu was obliged to leave the Ashram and seek peace elsewhere. But controversy over his identity did not cease with his departure.

6.18 To at least three persons who knew Bose intimately, the notion of the Shaulmari Ashram Sadhu being Netaji appeared so fantastic and so remote from reality that they did not deem it necessary to visit the Ashram and refute Malhotra's contention by personally seeing the Swami and hearing him. Suresh Chandra Bose, Netaji's brother, never visited the Ashram. Sunil Das (Witness No. 169), a political worker and a close associate of Bose for some years (1939-1941), was convinced that the Swami could not possibly be Bose, his political leader and mentor. He paid a visit to the Ashram but did not see the Sadhu. He, however, made enquiries which convinced him that there was no need to seek a personal interview. After collecting all information from various sources

which he considered dependable, he came to the conclusion that the Sadhu was not Netaji. Shri H. V. Kamath's evidence, though of a negative nature, goes a little farther than Sunil Das's testimony. The question of the Sadhu's identity was posed to him also, and he was handed a chit which was said to bear the Sadhu's writing. Kamath was also shown a photograph of the Sadhu published in newspapers and magazines. He learnt that Shri Sunil Das, Shri Samar Guha and Smt. Leela Roy had made enquiries and come to the conclusion that the Sadhu most definitely was not Netaji. He accepted this conclusion, and did not take the trouble to pay a personal visit to the Sadhu, because the procedure for seeking an interview was too irksome. It involved sending a formal application together with three photographs of the applicant. Also, Kamath thought that since Netaji knew him so well, if the Sadhu were indeed Netaji himself, he would not have asked for any photographs of his old political supporter and associate. Kamath said: "I knew Netaji so well and I thought no purpose would be served by supplying the photograph, so I did not send the photograph..... I am sorry to say that I did not, I regret to say I did not feel it necessary or persuaded enough to go to the Ashram to have *darshan* of the Baba." With regard to the Sadhu's photograph, the witness said that though there was some resemblance in one or two facial features, the photograph was definitely not the photograph of Netaji.

6.19 The motives of Shri Uttam Chand Malhotra are not obscure. He admitted to having organised the Netaji Swagat Committee, for which money was collected by inviting membership of the Committee and by the sale of papers, pamphlets, etc. He admitted that a sum of Rs. 11,000 had been collected, and though he stated that he had spent Rs. 16,000 in furtherance of the work of the Committee, it is difficult to accept the figure as accurate. There is, however, little doubt that Malhotra has been collecting money and, as stated by the Secretary of the Ashram, in an angry letter, Shri Malhotra, no doubt, took advantage of the fact that Bose had stayed in his house on his way to Germany and Malhotra had helped him and played host to him. Malhotra has sought to exploit this old association to the full and has, to a large extent, succeeded in doing so. Thereby he has attained a great deal of notoriety and publicity, and has, possibly, been able to benefit himself financially also.

6.20 The most convincing refutation of Malhotra's contention is, however, furnished by the evidence of Shri Dutt-Majumdar (Witness No. 174). Shri Dutt-Majumdar was engaged by the Shaulmari Ashram as

Legal Adviser, and he had occasion to see the Swami several times. He came in contact with the Ashram first in August 1961, when he visited it to observe its cultural activity. Later, he was asked to conduct a number of cases in which Swami was involved. Some cases had been brought by him against Uttam Chand Malhotra, Hira Lal Dixit and others for making a false allegation about the Swami's true identity. There was also a warrant of arrest against the Swami himself. When questioned about the appearance of the Swami and his resemblance to Bose, Shri Dutt-Majumdar was quite categorical. He said: "For the first time I had the privilege to see the Founder of the Shaulmari Ashram in the second week of February 1962. On that occasion I was asked by the Sadhu to stay on for another three days. I was very inconveniently placed this time. For these three days after having seen him I came back to Calcutta and issued a statement, a categorical statement to the press. I had stated among other things that he was not Netaji Subhas Chandra Bose. This was my conclusion after having seen the Swamiji." The witness went on to give his reasons and said: "I have seen him sometimes doing gardening work, sometimes he invited me with the gardening implements and telling me to do this or that; at very close quarters, he was taking his bath in the coldest winter, about five or six times a day or even at the dead of the night. He was a very tall man about 6-1/2' in height. I am told that Shri Subhas Chandra Bose, as we all know him, was only about 5 ft. and 9 inches in height. I do not know whether by exercises one can increase his height. Shri Bose did not have that height. The Sadhu was generally dark and black complexioned. He was far sturdier than Netaji with a much blacker complexioned look. Subhas Chandra Bose had tapering fingers. As I noticed the Sadhu, he had rough and ready fingers which resembled like a brahmin cook's." The intonation and dialect of the Swami when he spoke were unlike Bose's manner of speaking. The Swami spoke the dialect of the Mymensing District, whereas Bose was brought up in Cuttack.

6.21 Shri Dutt-Majumdar was questioned about Uttam Chand Malhotra's visit to him and to the Ashram. He said: "Netaji had his hospitality in Kabul, and I had his hospitality in Delhi, and I found that like the Brijbasis of yore who would not believe that Krishna had left Vrindavan, my very dear and esteemed friend suffers from that kind of psychosis." The witness added: "Yes, it had come to my notice that Shri Uttam Chand Malhotra had seen Babaji of Shaulmari Ashram, and immediately after his having seen Babaji, it was reported in the press, that Uttam Chand Malhotra had addressed

a meeting at Calcutta and proclaimed there that "now that I have seen him, I have seen that he is not Netaji, he is a great Mahatama.....But why afterwards he changed, it is more than I can tell."

6.22 Shri Dutt-Majumdar was questioned about the Shaulmari Ashram at great length and he repeatedly stated that the Sadhu was most definitely not Netaji. The Sadhu differed from him in several respects, his facial features, his complexion, his height, the degree of his baldness and his speech and intonation. There is no reason why Shri Dutt-Majumdar's statement on this point should not be believed.

6.23 Satyanarayan Sinha is an individual of a wholly different calibre from Uttam Chand Malhotra. Sinha has had a chequered career. He has visited many foreign countries, and worked in many different capacities. By nature a boastful exhibitionist, he has adopted a flamboyant style in his speech and in his writings. It took four days to hear his long, rambling and often irrelevant statement, and the record of his deposition extends over 235 typed pages. During his entire stay in the witness box, he never hesitated to sidetrack the issue and make repeatedly evasive replies to unpalatable questions; he never felt abashed when he delivered himself of palpable falsehoods, nor was he ever embarrassed on being confronted with his own contradictory statements. At the end, he left the impression of a persistent braggart, a consummate though transparent liar and a wholly unreliable witness.

6.24 Sinha first came to see me at his own request on September 28, 1970. He had, a few days earlier, while seeking an appointment sent a statement supported by an affidavit and a booklet entitled *Netaji Mystery*, which he had written and published in 1966. In the course of his interview, he gave me a brief account of his life and activities, and made a request that his evidence should be taken in two instalments, once at Delhi and once at Calcutta. The reason which he advanced for making this unusual request was not convincing; he said that certain diplomatic papers which he wished to tender in evidence were at Calcutta and some of them were in the custody of his friends there. These papers could not be brought to Delhi. There was also some material which he would collect from the library of the Parliament and from his friends, and this material would be available in Delhi. So, the first part of his statement, he requested, relating to the disappearance of Netaji could be made in Delhi, while the second part, relating to the subsequent developments connected with Netaji's disappearance, should more properly be made at Calcutta. Since a programme of sittings at Calcutta had

already been decided upon and announced, I granted Sinha's request.

6.25 Sinha was the second witness to be examined and the substance of his statement is that he doubted the story of Bose's death in an air crash, at Taipei on August 18, 1945. He was determined to make enquiries and prove the falsity of that story. He had been told in Russia by a Russian, Kuslov, that Bose had been seen in a Russian prison camp, in Siberia, long after the alleged date of his death at Taipei. Sinha was able to persuade his publishers, Messers Blandfords of London to finance an air journey to Taipei out of the royalties due to him in respect of a book he had written. The ticket was handed over to him and he went to Taipei in November, 1964. There he met the son of Chiang Kai Shek, and with his assistance, he made local enquiries. He was provided with the use of an aeroplane in which he flew over and around the Taipei airport, the alleged site of the air-crash. He made as many as 150 sorties, and during these flights, he took a large number of photographs of Taipei town and of the area surrounding the airport. As the result of his enquiries and upon a careful examination of the photographs and flight data which he examined and checked, he came to the conclusion that there had been no air-crash at Taipei on August 18, 1945.

6.26 This is, in broad outline, the story of his enquiry and conclusions. Sinha went to Taipei in 1964, more than 19 years after Bose's plane is said to have crashed there. He had no first hand knowledge of the accident. He cannot be regarded an expert whose opinion would be admissible in evidence under the provisions of Sec. 45 of the Indian Evidence Act. I, however, propose to discuss Sinha's testimony because of the importance attached to his writings, and the emotions he aroused when he testified at the Calcutta Session.

6.27 The story narrated by him is simple enough, but when it is examined in the light of the entire statement made by Sinha and his earlier statements, as published in the *Netaji Mystery*, which he sent to the Commission, his evidence is seen to be completely false. The story is contradicted in every material particular e.g. the purpose and the manner of his going to Taipei, the nature of his enquiry at Taipei, and whether he was able to fly over the site in an aeroplane and take photographs and what material in the matter of documents and witnesses he was able to examine at Taipei.

6.28 First as to his purpose in going to Taipei. The story he stated before the Commission was that

he went to Taipei with the set and specific purpose of finding evidence to refute the crash story, which he had always doubted. So, he asked Messers Blandfords of London, his publishers, to buy him a ticket for Taipei. The ticket covered the journey London—Hongkong—Taipei—Calcutta. In the *Netaji Mystery* a wholly different story was given by him. There he had said: "For me it is a chance-luck that has landed me at this Formosa Island. My foreign publishers had sent me an air ticket for the Tokyo Olympics, which reached me in Calcutta after a month the games were over. However, I have availed myself of the opportunity to get acquainted with some of the regions of the Far East we know so little about...At Hongkong I had an option to fly directly to Tokyo or via Formosa. A friendly C.A.T. airline man lured me to a Formosa bound Mandarin jet and got set for my following the trails of Netaji."

6.29 Therefore, the story as given by the witness in the book he published in 1966 was that it was mere chance that took him to Formosa. He had intended to go and see the Olympic Games at Tokyo, and indeed it was only at Hongkong that he was suddenly persuaded to visit Formosa. In any case, the air ticket reached him a month after the Games were over. Yet, he gave no explanation of why he left Calcutta at all, nor did he say that the ticket was from London to Hongkong. If the ticket reached him in Calcutta, the starting point could not have been London. I wrote to Messrs Blandford and asked them to inform me if they had purchased a ticket for Dr. Sinha in 1964 or at any other time. They stated in reply that they had never purchased any ticket for Dr. Sinha. This reply of Messers Blandford gives the lie direct to Sinha's statement, made on oath before me.

6.30 A third purpose of Satyanarayan Sinha going to Taipei is furnished by a report and a photograph in the newspaper *China Post* dated November 27, 1964, which Mr. Sinha himself produced. According to this paper, Mr. Sinha was a member of the Indian Delegation to the Tenth Conference of the Asian Peoples' Anti-Communist League, held at Taipei. The photograph shows Sinha shaking hands with Defence Minister, Gen. Chang Ching Ko. It seems that this was the real purpose of Sinha's visit to Taipei. When the matter was put to him in the course of his examination before the Commission, he denied that he was a member of the delegation, but admitted that the photograph which he produced was, indeed, his. If this version is accepted, then the other two stories given by Sinha in the *Netaji Mystery* and in his deposition before the Commission

are seen to be wholly false, and Sinha could not have gone to Taipei to make any investigation into the truth of the crash story at Taipei.

6.31 The contradiction between the story as stated in 1966 and as stated four years later before the Commission is so fundamental that the two statements are wholly inconsistent. If the earlier statement is correct, Sinha cannot be believed when he says that he went to Taipei specifically to find out the truth about the story of the crash.

6.32 Again, before the Commission, the witness stated that at Taipei hundreds and thousands of air-crashes had taken place on and before August 18, 1945 and that the story of the lone aircrash in which Bose died was contradicted by what he heard at Taipei in 1964. In his book, *Netaji Mystery*, however, he had stated, "there are no reports of any other air mishaps at Taipei except that one on October 23, 1944, in which Subhas Babu definitely did not perish. According to Formosa reports, there was no aircrash on 18th August, 1945." Again in Chapter 2 of the book he gives an account of his interrogation of Mr. Chuang. Mr. Chuang said: "This is the location of the only aircrash that has taken place in the history of Taipei."

"When was it?"

"On October 23, 1944 at 1400 hours, Tokyo time."

"Did the Japanese news agency reports not put it as on August 18, 1945?"

"It is not correct. There has not been any crash at Taipei besides the one I am telling you about."

The two statements are so completely contradictory as to be wholly inconsistent.

6.33 In his evidence, Sinha stated that he was provided with a small aircraft in which he made no less than 150 sorties over and around the airport and took dozens of photographs from the plane. In the book, *Netaji Mystery*, there is no mention of his having been provided with a plane. The photographs which he took and produced before me appear to have been taken from different elevated recognisable places on the ground or tall buildings. For instance, the photographs of the airfield were obviously taken from the hillock on which the Grand Hotel now stands, and the photograph of the town in which a plane is seen to be flying was obviously taken from the roof of one of the high buildings in the town. According to

Netaji Mystery, Sinha did not know anyone in Taipei when he arrived there, but the Formosan Government was friendly, and two persons, Mr. Chuang and Mr. Tao, became his close associates in the enquiry which he had undertaken. It does not, however, appear that Chuang was able to provide a plane for the exclusive use of Satyanarayan Sinha.

6.34 Then, again, when we come to the question of witnesses interviewed and documents examined, there is complete contradiction between the evidence given before the Commission and the account narrated in the book, *Netaji Mystery*. On page 4 of the book, he says that the pilot of the plane which carried him from Hongkong to Taipei told him that there were thousands of tons of Japanese papers safely deposited in a far away cave. The pilot had access to them, and so, Sinha would be able to see them. The pilot introduced Sinha to Gen. Chiang Kai Sheik "and an informal meeting with him opened all the gates to the Japanese secret preserved on the island including their intelligence reports. I could observe, study, examine and take photographs of whatever I thought could have been of any value to my work." The narrative in the book makes it quite clear that Sinha did examine those papers and intelligence reports. According to his evidence before the Commission, however, the only investigation he carried out was flying the aeroplane to examine the site and to calculate the distances and time which must have been covered by Bose's plane if the crash story were true. From this material, he conclusively came to the conclusion that the story was false, and he, therefore, did not deem it necessary to examine any witnesses or to look into any documents. He did not even bother to enquire if the hospital had any records of Bose having been taken there and treated. Indeed, at one stage, he said that there were no documents available at all, and he did not meet any of the military hospital staff. When pressed to say whether he asked his friend Peter Tsiand to make available the hospital records, he made the astonishing reply: "No. I never talked about hospitals. As an air man, I talked about the crash and concentrated all my investigations on crash alone." As an instance of his side-tracking the issue and making wholly irrelevant statements, the following extract from his statement may be quoted:

"I calculated the speed of the sally bomber and compared it with the statements of the witnesses there. The distance between Singapore and Bangkok is exactly 897 miles and it took 5 hours according to the witnesses there. In the same way, I calculated the flying hours between Tourain and Taihoku.

But the speed was accelerated. This was all to check up the statement of Habibur Rehman as to whether he was flying in the plane of Netaji or not. I checked up the flying speed, the latitude and at what time it will reach. Actually, I repeated the performance also on my return back on one of the planes. I did not touch Tourain. But I touched the nearby point and then I came to Saigon just to see the flying conditions of that time. I had to get the whole picture of it at that time. This was not enough at all, no proof of my conviction. There are other proofs also which I came to know on that particular day as to which were the Japanese bases in Formosa, what route they had to take, what plane they had to take and where they were scheduled to take and all that and also where was the suicide squadron based. There was another Admiral who was going to commit suicide even after the Emperor's orders. We had to see at what time did he take off and all that. So, we have to see the whole war picture. Seeing all these things, we have to pinpoint the war record, not from hour to hour but from minute to minute. That is how I calculated the speed of the plane as it is said in that book, how it flew from Tourain, when they had removed 10 anti-aircraft guns, how much load would be less and by how much speed will be accelerated. So, it is a matter of clear calculation."

When pressed to give result of his calculation a little more specifically, the witness delivered himself of a long diatribe which had nothing whatever to do with the subject matter of the inquiry, but which must be quoted in full to convey the true impression of the manner in which the witness gave his evidence and also the entirely spurious nature of his story.

"Will your lordship permit me to come to that map again? These Japanese fighting forces were a peculiar type of fighting forces in the annals of history. They are a very proud people. Until the end of July, 1945, they had no idea to surrender. Their military disposition was that. Here is Dairen. It is written as S.S.A. Ketai. That means it is Chinese-Russian. It came in dual control of both of them from that date. 22nd August. On that date, as to what was happening in this theatre of war, one has to take a rough



idea. After the Japanese surrendered, all of a sudden, what happened in this theatre of war, in this sector which is the Manchurian sector, was that the army of Japan was based there. That is three-fourth of a million, 750,000 people. Here from the Russian side there were also arrayed the Far Eastern Red Army. Many of the Generals who outshone there were my colleagues, and if I had stayed in the Russian Army I could have certainly become one of the best strategists of the UCO or Blusher. There was a technique of warfare. Here the peculiar technique is : take the place in Manchuria. All of a sudden what happens is that on the 8th August 1945, Russia declares war on Japan. Japan has made a mistake meanwhile. The mistake is that in order to defend not Burma and other places, but Okinawa, Rikyu islands or Philippines, they have shifted from here to there, certain units of their quantung army already, and this army which was left in charge of other Generals, they were not to the tune of the fighting etc. When Japan surrendered on the 14th of August, that is what the Japanese Cabinet have decided that they need desperately, very very desperately because one week ago they were saying : "Don't compare us to the Germans. The allies have captured their homeland. Our homeland, the Allies will never capture so long as we live. They were saying this. When as soon as those forces come here, heaviest fighting is going on. Japan concentrated every effort to fight here from 9th onwards in this sector and in this sector there is a key man of these Quantung Army and the key man was Gen. Shidei who spoke perfect Russian. He knew this warfare and all those things—a very famous man. He was immediately asked to proceed from this high command where he held the post of Army Chief of Staff, "You go and immediately proceed there at the earliest possible and take command of this Quantung Army as Chief of Army Staff." As soon as he was given this command, it was just a chance meeting that Netaji met Gen. Shidei at Saigon. Now from there both of them are flying to Dairen, because if you find, Your Lordship, here in Okinawa and Rikyu are based American troops. In Philippines there is MacArthur and also in Rikyu islands. There is one MacArthur's command on that day. This is dated 15th that a Japanese surrender team

should start in Japanese planes from Kyushu that is here. They should fly in Japanese planes only upto Rikyu, and from Rikyu, they should go in American planes to Manila the same day. Now MacArthur is expecting on the 16th evening here this way. All these places are very well guarded. In Swato which is here, there is one British and Chinese army working with them. Now, for Gen. Shidei, when he is there in this place, he has to shake off all burden, and in speed, every minute counts and had reached there hearing the broadcast of this Russian advance. Port Arthur which is here which was just to fall but had not fallen on that day. When they received this message here, then Shidei, at once, leaves for Dairen. Other Generals are committing suicide, Harakiri, at a very large scale because a Japanese officer's life is not worth living, once they have lost the war. So many important figures—Tojo also tried to commit suicide and those who could prove useful to the country were devoting all their efforts not to allow the Russians to capture this Dairen. When this order was given to Gen. Shidei, he immediately starts from there and then unloads everything at Touraine. Those days when the Japanese plans are grounded, they had to find a way out. What is the word which you use—clandestinely, I mean that when you are just pressed all round by the enemy, you have to find out your schedule and everything has to be planned secretly and very successfully by manoeuvring and skilfully piloting you have to go through. Now when they reach Touraine, they leave also their ADCS and all that and if Habib-ur-Rehman was with Netaji Subhas Bose, he was dropped there because the plane cannot take so much weight and so many people and reach Dairen the same evening. Everything was dropped there and it is admitted that from Singapore to Bangkok it is 897 miles—five hours flying. They have to make at the most 5-1/2 hrs. They cannot take more to reach Taipeh that day because at 2 O'clock the team is reaching from there with the Emperor's command telling the suicide squadrons "You surrender." This is the order that some very high dignitary is approaching there at about 3 O'clock at Tankurku. They have to leave in any case before that time because MacArthur's people and his command people will be passing this way and if they see that

planes are grounded why this particular plane is flying, they can attack it and they can get that down. Under these circumstances, all encircled by enemies two persons without their ADCs—a General is also about to have his ADC and Gen. Shidei is like that and he asks for no ADC. If you calculate the time, it will take 5 hours 35 minutes. From 5 O'clock if you leave here Taihoku, they reach here Taipei at 10 or 11 O'clock. Again it is in this side because the Americans who are based here will not follow the Japanese plane for a particular reason. They do not want to get involved with Russia in war because Dairen and other places—it is from Marshal Varsilovsky's record I am quoting—that they never wanted that any American plane should show up in the periphery of this area. Once there, the plane from Taihoku has taken off at 11.30 and it has reached Dairen. There is no other landing ground in between. It has to reach within 5 hours 30 minutes according to schedule. On the 18th, at about 6 o'clock in the evening, Gen. Shidei and Netaji both reached Dairen there. When these Americans after 3 or 4 hours landed there, they asked the airport : Oh, well, we have heard from intelligence reports from Swato or from here, British intelligence, that Subhas Chandra Bose has flown. They said : What are you talking about? We have never heard this name in life. And so, in a hurry, by the next plane, that means after 2 or 3 days, Habib-ur-Rehman comes there and there he is tutored by Japanese intelligence on that particular date. What has happened in the meanwhile to these people? Here the 4 Generals have surrendered to the Russians. And, on the 22nd of August, the Russians captured Dairen. Till they captured Dairen, Japanese are not supposed to disclose anything. They disclosed on 23rd. This is Domai agency. They said : What are you talking about? Subhas Chandra Bose had died. There is no point in following him at all. That is just to save him. And this is the truth, Sir, upto that extent, which can be verified from the nationalist Chinese agents whom I interrogated there. And after this I located from the books on what minute and which plane followed at Taipei."

6.35 The whole of this argument is sheer nonsense. There is no basis for the assumptions the witness 8 M of HA/74—11

makes. no substance in his reasoning and his deductions are not merely fallacious, they are nothing short of idiotic.

6.36 It is, however, not only in the story of his visit to Taipei that we find gross and irreconcilable contradictions but in almost every incident narrated by him. Even the date of his birth was not correctly stated in the *curriculum vitae* which he attached to his affidavit on 12-9-70, in which his date of birth is given as 14th March, 1913, but subsequently he said that he was born in 1910. This would not be a matter of any significance were it not for the fact that when Sinha found that some of the events to which he had animadverted in the course of his statement would not be consistent with his birth in 1913, he began to say that he was born in 1910, and the question, therefore, arises whether the events were invented in order to provide an air of verisimilitude to his narrative. In the course of his evidence, he stated that he was accused of taking part in certain political dacoities in order to obtain money for saving Bhagat Singh and others when he was a boy of 13 or 14 only. If Sinha was born in 1910, the dacoities must have taken place in 1923 or 1924, in which year Bhagat Singh was not even known. Bhagat Singh was arrested for throwing a bomb in the Assembly chamber in Delhi in 1929. He was tried and hanged in 1931. Sinha left India in March 1930. Sinha also says that he went to Sabarmati Ashram with Gandhiji in 1925, to Kashi Vidyapeeth and Shantiniketan from 1926 to 1929 where he obtained the Shastri degree. If he was born in 1913, he must have obtained his degree at the age of 16, which seems far too premature.

6.37 Reference has been made to Sinha's request to have his statement recorded in two instalments because at Calcutta he wished to produce certain documents which were not available at Delhi. At the Delhi session, he produced a number of documents, and undertook to produce more which, he said, were lying at his home. At the Calcutta session, however, he failed to produce these documents, and said that they were in his bag at Delhi and had been stolen therefrom. Although at one stage he had stated that he had taken hundreds of photographs, he only produced 4 or 5 and gave the explanation that they were the only ones relevant to the inquiry. He undertook to produce more but did not do so. At one stage, he gave the explanation that they had been lost by the Editor of the *Anand Bazar Patrika* to whom he had handed them over.

6.38 A few more instances of Sinha's strange conduct and the contradictory and evasive replies which

he gave in the course of his evidence may be given to illustrate the true nature of his statement. He said that in 1950 he heard from a Russian named Kuslov that Kuslov had seen Subhas Bose in Russia after 1945 but he did nothing whatsoever until 1964, when he visited Taipei, and on returning to India, published a number of articles setting out his reasons for disbelieving the crash story. He did not even appear as a witness before the Shah Nawaz Khan Committee in 1956. On this point the following extract from his statement is significant :

"Commission—We will go to the story which you were narrating before we rose. In 1951, you told us, you had made your suggestion but you had not met with a favourable response for the reasons which you have stated. Thereafter between 1951 and 1956 when the Shah Nawaz Khan Commission was appointed, did you in your writings, in any article, magazine or book mention the information which you had received about Netaji Bose being alive and having been seen in Siberia?

Dr. S. N. Sinha : Your Lordship, I took up this matter with Jawaharlal Nehru again in 1952 when I got elected to Parliament, and then I produced before the Parliament this particular map which is there. It is a Russian map.

Commission : This very map?

Dr. S. N. Sinha : A copy of this map and there was a case of privilege against me in Parliament when I could not finish my story and my wings were chopped off.

Commission : What were you going to say? Was it something about Netaji Bose or something else?

Dr. S. N. Sinha : connected with Netaji. It was like this that the Russians drove towards the South. It began in Berlin in 1940. So those documents came in my hand in Berlin for the first time where, if I may read three lines which have a bearing on Netaji's . . .

Commission : Three lines from your speech in Lok Sabha?

Dr. S. N. Sinha : Not from my speech but from the Soviet documents.

Commission : Can you tell me what you said in Parliament before the privilege procedure was applied to you?

Dr. S. N. Sinha : I said when the Communist benches were saying, "What is the use of placing our army in the north when we have good friends—China and Russia?" I stood up and said that this logic which they are giving is the logic of Moscow and Moscow has its territorial aspirations plants towards our country.

Commission : But you had not mentioned Netaji Bose's name?

Dr. S. N. Sinha : I had only three minutes' time to speak.

Commission : You did not mention Netaji?

Dr. S. N. Sinha : I could not.

Commission : Perhaps, you were going to mention it?

Dr. S. N. Sinha : Yes.

Commission : We will proceed further. Then, what did you do, till 1956 when the Shah Nawaz Khan Committee was appointed in the matter of inquiring further into the disappearance of Netaji?

Dr. S. N. Sinha : Those days there were other colleagues who had taken up this matter about Netaji inquiry and one of the Members is present here, my hon. friend, Mr. Kamath who had taken up this matter.

Commission : I know there was a demand and in response to that demand the Shah Nawaz Khan Committee was appointed.

Dr. S. N. Sinha : Due to that pressure.

Commission : What did you individually do?

Dr. S. N. Sinha : I associated with our colleagues' efforts to ventilate the public grievances that one inquiry committee should be set up.

Commission : Did you appear before the Shah Nawaz Khan Committee?

Dr. S. N. Sinha : No, I did not, due to Pandit Jawaharlal Nehru's rebuke.

Commission : You mean the rebuke which he administered to you in 1951 or on some later occasion?

Dr. S. N. Sinha : 1954.

Commission : What did he say ?

Dr. S. N. Sinha : There was an open debate in Parliament after that, and then he asked me in a private letter. How many times I had been to the American Embassy and whether I was their agent or not ?

Commission : Was it in connection with Netaji Bose.

Dr. S. N. Sinha : Netaji Subhash Bose's case.

Commission : So, on account of that rebuke you did not offer to appear as a witness before the Shah Nawaz Khan Committee ? When the report was published, it was obviously inconsistent with the information which you had received ?

Dr. S. N. Sinha : 100 per cent childish report. I told Jawaharlal Nehru.

Commission : What did you do to question the correctness of the finding of that report ? Now, coming to your visit to Taiwan— that is in '64. But before that between 1956 and 1964 what did you do ?

Dr. S. N. Sinha : During these years I was mostly on the Himalayan Front, on the Tibetan Front, and there I was with our defences, so to say, defending that Siliguri sector in my own way and regarding Netaji and other things, though I had not shelved this matter in my mind, I was making preparations to be hundred per cent sure that the plane had not crashed, and there is some hand of Soviet intelligence in Delhi which is stopping this truth from coming out that Netaji was in Russian hands."

Another blatant instance of evasion is set out below :

Commission : With regard to the crash that took place in October 1944, what document did you see? So far you have told me that the PRO told you about it, and you also made a reference to a newspaper which you were not able to see. I want to know what was the document that you saw ?

Dr. Sinha : He took me to a temple there, a Buddhist temple nearby where there were two Chinese, and he said that these were our agents posted here in Taihoku during

the British days. I must tell you one thing. This Peter Tsian had lived in Delhi during Chiang Kai Shek's regime, as China's representative in Delhi. He knew Netaji also personally. So, this man who was investigating for me about Netaji's case, for him, Delhi affairs were not foreign or strange. So, he took me to that temple and brought two eye-witnesses of that crash which had taken place in 1944.

Commission : These two Chinese witnesses told you about that crash.

Dr. Sinha : About that one crash which had taken place in October, but no one knew about any crash which had taken place in August, 1945 at the Taipei airport.

Commission : I repeat my question : was there any document that you were able to see ?

Dr. Sinha : About this particular aircraft, later on, I consulted the facts on file and also about the Japanese suicide squadron which was based on Taipei, the date on which they flew, and all that. From this, I have volumes of material to show that not one crash but at least hundreds if not thousands of crashes must have taken place on the Formosa island, and a few hundreds at least before the 18th, on that Keelung-Taihoku sector.

Commission : Were you able to get any documents from the old hospital or military hospital ? Before that, I want to ask, was the old military hospital in existence ?

Dr. Sinha : I did not go to any hospital or anywhere. As an aviator, I first investigated whether a crash took place or not. If the crash had not taken place, the question does not arise of going to hospital or anywhere."

6.39 It is clear from the above extracts, culled from his statement, that Dr. Satyanarain Sinha has attempted to practise fraud upon the Commission and the public, by making false claims of an investigation into Bose's disappearance. His single visit to Taipei to attend the 10th Conference of the Asian People's Anti-Communist League, was exploited by him to arrogate to himself the character of a public-spirited man, deeply concerned with Bose and his activities. I cannot believe that he was provided with a plane with liberty to fly it as often and wherever he wished. There

was nothing he could learn by such flights. His calculations about the duration of the plane journey between different points on Bose's route are sheer nonsense, and do not throw any light on what happened at Taipei on August 18, 1945. His whole conduct from the moment he claims to have heard Bose's existence in Russia in 1949, upto 1966, when he first gave publicity to his startling story in his book *Netaji Mystery*, is inconsistent with truth and natural behaviour. A great part of his statement was concerned with his antics in the field of diplomacy and Intelligence and his braggart claims about the nature and magnitude of his achievements. But whenever he was asked to state details about his work or his tours, he resorted to evasive tactics, by jumping to another topic and side-tracking the subject under scrutiny.

6.40 He began by saying that he was born in 1910. He went on to say that when he was a boy of 13 or 14 (i.e. in 1923 or 1924) he was accused of taking part in political dacoities to obtain money for saving Bhagat Singh. But Bhagat Singh was not arrested till 1929 and had not even been heard of before that date. In his book *China Strikes* Dr. Sinha stated on p. 15 that he sailed from Colombo as a stowaway in March 1930 and then he was sixteen and alone in the world". If he was born in 1910, he would clearly not have been 16.

6.41 In the course of his testimony he said he started studying Medicine in Vienna and went to join the Soviet Combatant Forces as a Staff Captain. Later, when India became independent, he was, he says, a plenipotentiary in Vienna, and the whole country was in his charge. Then, he helped the Tibetans to remain free, and assisted the Dalai Lama to seek refuge in India. But his visit to Tibet was a private one. He went alone in the garb of a muleteer. This is just fantastic nonsense, reminiscent of the adventures of Superman depicted in comics to beguile the boredom of children and for the diversion of adults who are unwilling to make the mental effort for more serious reading. Even more incredible is his statement that a Russian named Kuslov told him in 1949 that he had met Bose in Cell No. 45 of the Yukutsk prison. He says he mentioned the matter to Dr. Radhakrishnan, in January 1951, and to Nehru a little later. Dr. Radhakrishnan told him not to meddle in the affair and spoil his career. Nehru's reply was "a sarcastic laugh".

6.42 These statements of Dr. Sinha are absolutely absurd and they need no comment. An adventurer in his youth and an opportunist in later life, moving

from place to place and from job to job, he acquired the traveller's proverbial propensity and readiness to tell lies. The more his statement is examined the more convinced one becomes of its false and spurious nature. His coming to testify before the Commission was a piece of play-acting, aimed at drawing attention to himself and to borrow some, at any rate, of Bose's glory by professing to have a deep personal interest in his doings. The story of Bose living in a Russian prison cell and his refutation of the crash story by merely flying over the Taihoku airfield is not only palpably false but absolute nonsense invented to mislead gullible fools.

6.43 The third witness I propose to discuss is S.M. Goswami who distinguished himself not by his truthfulness or by a desire to help the Commission, but by his persistent, obstreperous, indeed, vicious attitude. He had nothing of any significance to communicate. He had no personal knowledge of any event or circumstance having a bearing on Bose's disappearance. He had offered himself as a witness before the Shah Nawaz Khan Committee, and was examined twice. He wanted to present himself to make his statement a third time, and made an application in this behalf. The application was rejected and Goswami was directed to put down in writing whatever new evidence had come into his possession. He, however, did not do so.

6.44 He made an application to the present commission on 21.10.1970, requesting for permission to appear and make a statement. At the Calcutta sitting on 16.11.1970, his request was sponsored by Mr. Trikha, Advocate, who was appearing on behalf of Netaji Swagat Committee. Goswami pleaded his advanced age and the delicate condition of his heart as grounds for being allowed to make a statement before the witnesses scheduled to be examined on that day were called. I agreed to hear his evidence. He made a long and rambling but wholly irrelevant statement. He began by saying that he doubted the story of the aircrash and Netaji's subsequent death, because and only because, there was a delay of five days in announcing the event. He then proceeded to weave a web of non-sequiturs, circumlocution and pre-variation in which he sought to capture a conjunctural story of Bose's continued existence and activity at numerous places. A great deal of his statement was a plain unadulterated political declamation, bearing no relation whatsoever to the subject matter of the present inquiry. When his rhetoric was halted, he became vicious, and roused the large assembly of emotion-charged persons gathered in the hall where the public session of the Commission was being held, and insti-

gated them to resort to direct and violent action in order to compel and intimidate the Commission to record his wholly irrelevant statement.

6.45 The sum and substance of Goswami's evidence is that he had begun to entertain doubts about the truth of the crash story because of the delay on the part of the Japanese authorities in making an announcement of the event of August 18, 1945. These doubts were later confirmed into a conviction that Bose did not die as the result of injuries sustained in the alleged air crash, and is in fact, still alive. The additional factors which led to this belief are briefly these:—

- (i) Goswami was informed by a German, named Heinz Von Have, that no air crash took place at Taipei on August 18, 1945.
- (ii) Goswami spoke to the priest of the Renkoji Temple at Tokyo, and learnt that the box said to contain Netaji's ashes had been brought in a jeep by Ramamurti and some Americans. The association of Americans with Ramamurti was, according to Goswami, sufficient to contradict the story of Bose's death.
- (iii) Some observations in a report prepared by the British Intelligence which were inconsistent with the crash story came to Goswami's knowledge, when he read the Dissident Report written by Suresh Chandra Bose.
- (iv) Goswami had been given the transcripts of three broadcasts made by Bose respectively on 19-12-1945, 18-1-1946 and 19-2-1946. This proved that Bose was alive after 18-8-1945.
- (v) Goswami came upon a photograph of Netaji in a group of persons forming a Mongolian Delegation. The photograph appeared in a booklet published on 8-8-1952. This photograph proved that Bose was alive in 1952.
- (vi) B. C. Chakravarty, a member of the Intelligence Bureau had given him information which disproved the crash story.

6.46 This evidence which is nothing more than hearsay and inferences from hearsay merits immediate dismissal without any discussion, because even a cursory glance at it shows it to be completely worthless and possessed of no probative value. But in the context of this entire enquiry and the passions it has

aroused, it is necessary to convey a true picture of this witness and the real nature and purpose of his evidence. I cannot do better than quote some extracts from the record of his deposition relating to the various points enumerated above, as the verbatim transcript speaks for itself.

This is what he said about Heinz Von Have :

Question : Did you seek Heinz Von Have's meeting or did you meet him merely by chance ?

Goswami : No Sir, as a matter of fact Heinz Von Have and my office were in correspondence about business matters.

Question : You are in business now ?

Goswami : I am practically a retired man.

Question : But in 1949 you went into business and Mr. Heinz Von Have was also in business in Germany ?

Goswami : Yes, Sir.

Question : What business was he doing?

Goswami : Business in Batavia and all these places.

Question : What was the nature of this business?

Goswami : I think importing and exporting.

Question : What was he exporting or importing?

Goswami : I have not all these particulars. Perhaps he used to do business on machineries from Germany to various places.

Question : In what connection did your office correspond with him for business matters?

Goswami : As a matter of fact when I arrived in Germany, in Hamburg, he came to receive me and he took me with him..... I was shown a picture of Netaji presented to Heinz Von Have in which it was written "To my friend Heinz Von Have, with love and affection".

A little later the witness said that he met Have a second time and spoke to him about Netaji. Goswami was asked what Have had said about Netaji being dead or alive. His answer was completely evasive, as is evident from the following quotation :

"Commission : What did he say about Netaji being alive or dead?

Goswami: Actually his life was saved by Netaji from the Japanese when they took him to be a Britisher or Englishman. Netaji discussed about him with Tojo and said that Have was his friend and a German and so please let him go. But in 1949, when I met him, he told me that the news about Netaji's death is stageplay. He was very much perturbed about Netaji because he was grateful to Netaji. "....."

Have told Goswami that he had gone to Taipei and there he had met some German technicians who told him

".....all we can say is that there was no aircrash—neither ten days before nor ten days after."

No other witness has spoken about the presence of any Germans in East Asia or of any German having gone to Taipei in August, 1945. In any event this is remote hearsay and third hand evidence.

6.47 Goswami went on to say that another place of information given by Have was that he met some people in a street in Tokyo.

Goswami: In Tokyo. He saw some Japanese holding a photo of Netaji and worshipping it or doing something to it and another batch of Japanese was passing that way and one of them said that these are all fools, the man is alive.

Commission: Anything else Have told you for his believing that Netaji was not dead?

Goswami: He heard from some one that Netaji was alive and the mouths of the Germans and Japanese were shut, and that is why the Japanese made no announcement of Netaji's death on the 18th August."

To admit evidence of this type would be to make nonsense of the law and rules of evidence and the canons of justice.

6.48 Next we have Goswami's visit to the Renkoji Temple. Mr. Goswami was asked what happened in the Temple and this was the reply :

Goswami: It is a very interesting story. I will tell you what happened. I saw the priest and asked him: "I want to see the box containing Netaji's ashes." Then he showed me the box. It was a box about 14" long and 9" wide and about 9" in height. Then I asked the priest, "who gave you the box?"

When did you get the box?" He said: "On the 18th September." Then I asked him "after a month." "How did this box come to you?" He said, "Ramamurti brought the box to me." I said: "How did he come?" He said, "He came in a jeep." I said, "Who were the other occupants of the jeep?" He said, "Americans." I told the priest, "It is very funny that Americans have taken so much care about Netaji's ashes and the funniest part of it was that in the box it was written with a fountain pen 'Netaji Subash Chandra Bose.' It was very clumsily written. I said "What about the white cloth? Is it the same as was given to you in September 1945." He said "Yes." I said: "How is it that 8 years have passed. Do you mean to say that the whiteness of the cloth is still there and it appears to be a fresh one."

Commission: Did you have a look inside the box or not?

Goswami: No. The box was all covered and sealed.

Commission: The priest said nothing more than what you have said just now?

Goswami: When I asked him what Ramamurti used to do, he said that he kept the box in front of him and worshipped it. When I said "when Ramamurti would come, did he close the doors and windows?" He said "Yes." I said: You are a priest. How could you see that? You must have peeped through the windows." He got flabbergasted and shaky. He said "I was a Gastapo."

The story of the broadcast by Netaji is described in the following manner:—

Goswami: Netaji made three broadcasts. First one was on 19th December, 1945 just after one month.

Commission: Did you listen to this broadcast?

Goswami: No Sir. It was recorded in B.B.C. and one of my friends, a Bengali gentleman, who was working there was an officer—he practically told that.

Commission: Have you listened to the playing of the tape?

Goswami: No, it was recorded in B.B.C.

Commission: Do you know what the speech was about?

Goswami: Yes, shall I read it out?

Commission: Did you hear the tape being played?

Goswami: How can I?

Commission: Where did you get this note?

Goswami: It was recorded in B.B.C. London.

Commission: Your Bengali friend had given this story to you?

Goswami: Yes.

Commission: What is the name of this Bengali friend?

Shri Goswami: I hesitate to give the name. He has already lost his service when this broadcast was published in a Bengali paper **BHARATBARSA**.

Commission: We want to know how far this broadcast is the true broadcast of Netaji. You did not hear it. You have said that you have not heard it yourself. Unless you give the name of your Bengali friend we cannot accept this evidence.

Goswami: Sir, the language is sufficient to give proof.

Commission: We cannot accept that. We must have a person who has heard the broadcast himself. Otherwise this evidence is of no value.

Goswami: Frankly speaking, when I showed this broadcast to Radhakrishnan, he told me, well Goswami, I have heard another broadcast, I said, how is it?

Commission: But you did not hear it. You said, three broadcasts. What are the others.

Goswami: The other one was on 18th January, 1946 and the third one was on 19th February, 1946 and this is the fateful broadcast that upset the whole thing. Netaji's one mistake of putting one sentence absolutely shocked the British nation.

Commission: The Bengali friend gave you the typed scripts of all the three broadcasts?

Goswami: Yes.

Commission: You can give them to us. We will try to get copies and ask this Bengali friend to come and give evidence.

Goswami: I do not know where he is now.

Commission: So, you cannot help us to trace him.

Goswami: How can I go on chasing a man who may be either in Japan or in London or in Switzerland.

Commission: When did he give you copies of the broadcasts?

Goswami: This broadcast, that gentleman of the B.B.C. came on a trip here. He gave the typed copies to his sister who retained it. Then, from the sister some gentleman whose name, with your lordship's permission, I should not say because he is in another service and when he gave it to me and after it was published in **BHARATBARSA**, Magh, 1367 B.S. he lost his job. **BHARATBARSA** is a monthly magazine."

Goswami's glib talk about Bose's one sentence being "absolutely shocking the British nation" is sheer nonsense. There is no record of any convulsion having taken place in Britain as a result of anything that Bose ever said.

6.49 The matter of the broadcasts was reverted to again, and Goswami was asked to give further details. His interrogation proceeded as follows:—

Commission: Which year was it?

Goswami: 1945, and then on 18th January, 1946 and then on 19th December, 1946—the most fateful broadcast which brought ruination of India.

Commission: But you did not hear any part of the broadcasts. Somebody in the B.B.C. whose name you are not going to disclose or whose address you do not know, heard them.

Goswami: Sir, Kamal Bose is his name.

Shri Majumdar: Do you know anyone who might have himself heard these broadcast talks.

Goswami: In 1945, the War was on. The broadcasts were made in 1945/46 if any one of us was listening to the broadcasts?

Shri Majumdar: Who is this Kamal Bose ?

Goswami: He was the man who was conducting 'Bichitra' in London.

Shri Majumdar: Where is he now?

Goswami: I do not know. After this broadcast, published in BHARATBARSA, he lost his job. After that he was in Patna, I came to know. But I do not know where is he now.

Shri Majumdar: Is he living now?

Goswami : Must be living or dead, I do not know. The strange case of the Mongolian Delegation was related in the following manner :

Goswami: I have this picture of Netaji.

Commission: Where did you get this picture?

Goswami: I will show you the original. This was from a booklet. This picture has been endorsed even by Pandit Jawaharlal Nehru. Everybody in Parliament endorsed it about Netaji.

Commission: Let me see that booklet. (Booklet was produced before the Commission).

Commission: The booklet was published on the 8th August, 1952?

Goswami: Yes.

Commission: When did you get it?

Goswami: In 1953 while I was coming back from Japan.

Commission: You identify this figure in the centre as Netaji?

Goswami: Yes, not only myself, Panditji himself said in Parliament that it has a striking resemblance

Shri Majumdar: Did you receive this pamphlet from Hongkong?

Goswami: Yes.

Shri Majumdar: From whom?

Goswami: I received it in a shipping office where I went by a chartered ship from Calcutta to Japan, and there a gentleman, managing director of the firm, whose son, was working in China as a mining engineer. Got it from his son. While looking at it I found this picture and I asked for a copy

of it. He said 'Yes, but will you return it because my son might be in difficulty'. I said, 'All right' but I never returned it.

Shri Majumdar: Negative of this picture in the pamphlet would be in possession of persons in Peking who had taken this photograph?

Goswami: Yes.

Shri Majumdar: You have said that you are entirely convinced that the central figure in the picture was Netaji Subhas Chandra Bose?

Goswami: Yes.

Shri Majumdar: Did I hear you correctly to say that late Prime Minister Jawaharlal Nehru while looking at this group photograph said that this Central figure bears a striking resemblance to Netaji?

Goswami: Yes.

Shri Majumdar: Do you know if any attempt was made to trace the persons represented in the group photograph and to establish their identities?

Goswami : My first surprise is that the bone of contention of going to China they went only to Tokyo.....

Shri Majumdar : Your answer boils down to this: Nobody tried to ascertain the identity of the persons represented in this group photo?

Goswami: Yes. No one was allowed to go.

Shri Majumdar: Did you ask anybody in authority that the identity of these persons should be traced and established to make sure as to whose photograph the central figure is?

Goswami: I asked the Chinese Ambassador.

Shri Majumdar: When did you see the Chinese Ambassador?

Goswami: In 1955.

Shri Majumdar: What is the name of the Chinese Ambassador whom you met—if you remember?

Goswami: It is very difficult to remember the Chinese name, and moreover, Sir my visit was very secret.

Shri Majumdar: Was it in Delhi?

Goswami: Yes.

Shri Majumdar: Please tell His Lordship what transpired in your conversation with the Chinese Ambassador?

Goswami: I wanted to know, because Netaji assumed the name of Marshal Liu Po Chen and I was curious to find out.....I got the information that in Dairen Netaji met Mao and there Mao was placed in second position and Netaji in the first. There, without firing a shot or without any bloodshed Netaji organised an army with 10 lakhs of soldiers and they rushed to China and pushed Chiang-Kai-Shek out of Taiwan.

Shri Majumdar: So, you heard the name Marshal Liu Po Chen and gathered the information that he was Netaji Subhas?

Goswami: Yes, and I suspected so and that was why I told the Chinese Ambassador that in the Chinese Military history you have given description of all other persons in detail, but only three lines about Marshal Liu Po Chen and also told him that I suspected him to be Netaji. I asked him, saying that there is a row here about Netaji being alive and I know that Marshal Liu Po Chen is the name of Netaji. He kept smiling and said: 'If I tell then I may die any day.' He said, 'You pursue the matter—you are right.' He gave out this indication to me. Otherwise, how could I challenge the Government two years ago that I was prepared to take any delegation to the place where Netaji was to be found. I have not come here to tell lies just to take credit, I am not a man of that type."

Shri J. P. Mitter pursued the matter further and questioned Goswami as follows :—

"Shri J. P. Mitter: Who was present when you were talking to the Chinese Ambassador?

Goswami: Do you think the Ambassador will have another companion?

Shri Mitter: There was no interpreter ?

Goswami: Yes, there was. He had his Private Secretary. He was a handsome man.

Shri Mitter: Why did you say that there was nobody else?

Goswami: I mean that nobody else was there. If my wife was standing by my side, would I mention that I met the Dalai Lama.

Shri Mitter: You have enjoyed your joke. Please answer my question. How long did this interview last?

Goswami: About 10 minutes.

Shri Mitter: You only discussed that picture and nothing else.

Goswami: Yes and we discussed about Everest." The information which Goswami claims to have received from Shri Chakraborty was revealed in the following manner :

Shri N. Dutt Majumdar: Did you happen to know a person whose name is Birendra Chandra Chakraborty, a retired police Officer?

Goswami : Yes, he is my relation.

.....

Shri Majumdar: Did you happen to know if Biren Chakraborty, that officer, had anything to do with governmental enquiry regarding Netaji?

Goswami: Yes."

.....

Shri Majumdar: Will you kindly tell the Hon'ble Commission the gist of the conversation Mr. Chakraborty had with you?

Goswami: He was with me for 4 hours in my office. I met Biren Charaborty in the house of Col. Chopra. Col. Chopra was an IMS officer in Bangkok. Col. Chopra saw a rectangular wrist watch on Netaji. I went to Chopra and told him that Shah Nawaz Khan was insulting me and saying that I was telling lies. I went to Chopra's house. Biren Charkraborty was also there, and told him that he had got to come with him because Shah Nawaz Khan made me a liar in his book. On this the Government of India sent two men to arrest me. They approached Upananda Mukherjee. Upananda Mukherjee said, 'How can I arrest him because he has not said anything illogical?' Then they approached Dr. Bidhan Chandra Roy. Dr. Roy said that Goswami has not said that this particular man is Netaji. I want to know from him. Then he said, 'I do not want to listen to you. I do not want Goswami because you want to make a fuss and set the whole of Bengal ablaze. You go away from my office. I am just telephoning to Shri Nehru that this sort of game should not be tolerated.'

Goswami worked himself up into a veritable frenzy and began making a demonstration of his importance to the excited audience in the hall. Shri Dutt-Majumdar thought it necessary to sooth and calm him.

Shri Majumdar: Mr. Goswami, may I request you to restrain your emotion? We are all charged with emotion on this subject. So, restrain your emotion and help the Hon'ble Commission by giving precise answers to questions. I shall come to the photographs later. My question was, what is the gist of what Mr. Chakraborty had told you?

Goswami: I have already typed it very hurriedly because I had to go through it, correct it, print it and do everything. The gist of the whole thing is that these police officers who gave evidence here had no idea. He said, he was the main man in Burma, appointed by Churchill himself. Government of India had no concern. So, I know, all that has happened in Burma. In his opinion Shah Nawaz Khan was a traitor.

Shri Majumdar: What places did Biren Chakraborty visit? Has he narrated to you?

Goswami: Burma, Singapore and other places in this connection. He has given that.

Commission: When did he visit all those places?

Goswami: During the Second World War time, before the conclusion of the hostility.

Shri Majumdar: Mr. Goswami, I am asking you about Biren Chakraborty, which places in South-East Asia he had visited and when, during war or after the war?

Goswami: During war and may be, no, it is not after the war.

Shri Majumdar: Which year would it be?

Goswami: Some time when Japan surrendered on 15th August. So, you can take it as before that. Biren Chakraborty did great work so far as India is concerned when he allowed 12 INA officers to escape for which he was subsequently suspended and did not receive his pay for 18 months and even after independence, that salary of 18 months as yet.

Shri Majumdar: Your lordship, I do not want to trouble the witness about Biren Chakraborty. If you are pleased to call him he will be able to enlighten us".

6.50 Biren Chakraborty, as stated in the preceding chapter was called as a witness. He made a detailed statement and the record of the interrogation conducted by him forms part of the record of these proceedings and was studied by me. It will be remembered that Chakraborty's statement is wholly at variance with what Goswami stated. Chakraborty went to Burma and then to Saigon, after the end of the war. He did not go to Singapore. His conclusion, as set out in the report, was that Bose had died at Taipei as narrated by Habibur Rahman. He was convinced of the truth of Habibur Rahman's story. Chakraborty said nothing about allowing any I.N.A. officers to escape, nor anything about his having been suspended and his salary withheld from him. Goswami's statement on this point is a tissue of lies, and Shri Dutt-Majumdar thought it advisable not to pursue the matter further lest Goswami perpetrated more falsehoods and nonsense.

6.51 Goswami also produced two books which he had published. One of these deals with the mystery surrounding Netaji's disappearance, and in the other Goswami has sought to prove that no one ever climbed Mt. Everest. numerous instances of his evasive replies and irrelevancies could be quoted. Often he made palpably false statements. Of this one instance will suffice.

6.52 Goswami had referred to certain newspaper items in his book dealing with Netaji and he was questioned about these reports. The following extracts from his evidence will show the true character of Goswami's evidence.

"Commission: You have only newspaper reports which you have published but you have no information obtained personally by yourself from anybody who has seen or met Netaji. These are only extracts from newspapers publications. You have only re-published news items which came out in the newspapers.

Goswami: Yes. One is dated 15th May, 1970, another January 7—year is not given, another dated 29th August 1945, and another from London dated 2nd September.

Commission: "The Observer" dated 2nd September said that no news came out at all.

Goswami : Reuter news is there.

Commission: With regard to the last of the four news items we wrote to the "Observer" in London and received a reply from them that no such news item appeared on that date or on any other date. So, tell us where from you got the information. Have you got a copy of "The Observer" of that date?

Goswami: It is upto the Commission to find it out.

Commission: Where from did you get this information of Reuter's correspondent?

Goswami: I have collected from London.

Commission: But London Newspapers say that they have no such information. So, I am asking you to give us the original.

Goswami: I have incorporated the news in my book.

Commission: But it is denied by "The Observer." So, I ask you to produce the original.

Goswami: Reuter should be asked.

Commission: Where did you get it from?

Goswami: Reuter's press news.

Commission: Which paper?

Goswami: Malayasian paper quoted it.

Commission: But "The Observer" says that they did not publish it. So, the Malayasian papers are wrong.

Goswami : Sometime, Sir, suppose you get some adultery case there is no direct evidence.

Commission: That is for us to judge. I want to know where from you got the information. Have you got the Malayasian Newspapers?

Goswami: Yes, Sir.

Commission: Can you produce it?

Goswami : I shall have to find it out—it is not with me now.

Commission: Where did you see the Malayasian paper?

Goswami: In Rangoon. All these valuable informations were shown to me by some

people from their files, but they did not want to part with the files.

Commission: Where did you read and copy them?

Goswami: In Rangoon.

Commission: When were you in Rangoon?

Goswami: In April, 1954.

Commission: But one of these news relates to the year 1970. How could you see it in Rangoon?

Goswami: That is the one which came out about Cambodia's affairs.

Commission: Where did you get it from?

Goswami: It came out in a paper, Press Bureau. So, instead of asking me the question it would be better if you ask this to the papers.

Commission: I will ask them later on. Now I ask you from where you got it?

Goswami: I got it from the news report.

Commission: That one shows that you did not mention Netaji's name?

Goswami: Netaji's name is only known in India and not outside?

Commission : Netaji's name is only known in India and not outside.

Commission: It does not mention Mr. Bose's name either S.C. Bose or Subhas Bose. Then, of the four cuttings you have produced only one. What about the three other's?
Can you produce them?

Goswami: I saw them in papers.

Commission: Now, here is another one and you say that you saw it in Malayasia, that is about Reuter's statement published in "The Observer" on the 2nd September, 1945. You saw it in Malayasia and copied it out there in 1954?

Goswami: Yes.

Commission: Now, this is another, that is about 29th August, 1945, where did you see it, the American correspondence, where did you see it published.
Have you got the original?

Goswami: How is it possible to get to all the press and collect them.

Commission: Where did you get it?

Goswami: The papers are in the National Library. With regard to the American correspondence that is in the American Embassy.

Commission: In Calcutta or Delhi?

Goswami: In Delhi.

Commission: Be quite exact. Where did you see this?

Goswami: It came out in the papers.

Commission: Which papers?

Goswami: It is mentioned in the pamphlet.

Commission: The name of the paper is not mentioned. The news item 'USA contradicts'—where did you see it?

Goswami: I saw it in New Delhi. I think in *New York Times*.

Commission: Where did you find it, in which Library? Was it the American Library?

Goswami: Either in Calcutta or in New Delhi.

Commission: You cannot exactly remember where you saw it—in Calcutta or in Delhi.

Goswami: So many offices they have got.

Commission: So you cannot exactly remember whether you saw the *New York Times* in Calcutta or in Delhi.

Goswami: I cannot exactly tell you because I was merely a weekly passenger to Delhi for business. I think I saw from the American offices in New Delhi. I used to meet the Ambassador of America.

Commission: Have they the copy of *New York Times* of 1945?

Goswami: I doubt very much.

Commission: You got them. They must have the copies either in Calcutta or in New Delhi.

Goswami: Is it possible for a man of 72, now whose life has been wrecked over by books to collect all these copies.

Commission: It may not be possible but I want to know the source. Where you saw this? Are you sure that you saw the *New York Times* of 1945 in the American Embassy?

Goswami: In Delhi so far as my memory goes.

Commission: You copied it out from there?

Goswami: Yes Sir."

Mr. Goswami's evidence was concluded on 16-11-1970, but the next day he reappeared before the Commission and insisted on giving additional evidence saying that he had omitted to make a complete statement the previous day. The political passion and the angry mood aroused by him made the crowd of listeners in the Hall clamour for Goswami to be heard. The people shouted, vociferated and besieged the staff of the Commission, threatened them with violence unless Goswami was allowed to make a statement. I agreed to hear him again. He started by making a wholly incredible statement:

"I inadvertently omitted to say something in the course of my deposition on 16-11-1970 before this Hon'ble Commission. An officer of the Russian Army came on tour to India in 1956, after about 11 years' stay in the Soviet Union. In course of his statement, at Kapurthala, he informed the Press he had an occasion of seeing Netaji in Moscow. He said that he saw Netaji in the best dress and entering Kremlin with high dignitaries on 24th December, 1956. On another occasion he had a personal talk with Netaji. Netaji told him that he was very anxious to return to India, but unfortunately there was no response from India for necessary arrangements for his return."

When this story of a well dressed Bose, publicly and openly, going to the Kremlin is compared with Sinha's version of Bose languishing in Cell No. 45 of a prison in Siberia, one wonders to what extent fantasy and perversion of truth can proceed. After a few more palpable untruths Goswami delivered himself of a long, meaningless and fantastic harangue from which the following passage may be quoted to convey the full impact of the persistent and vicious attitude of this witness:

"There is another big point. I know for certain how we got our independence and freedom. There were 14 items in the agreement. The first was—the Division of India was an accepted fact. The next was with regard to trade. It was said we shall maintain the imperial preference of 7½ per cent duty, as

you know, with the British goods. There was another clause probably as far as I remember—in case of a dispute between Pakistan and India it should be resolved by British mediation. Sir, thirty pages of Abdul Kalam Azad's Book have been kept in the National Archives for thirty years. Why is it so? I met Humayun Kabir in the Parliament House and also Maharaja of Bikaner who was sitting there. I said—why not return those thirty pages. He said if it was in my power, I would have done that. Has Abdul Kalam Azad left any will that these thirty pages should be kept there? Then he said—no. He spoke to me in Urdu—I am saying it in English. He took away those thirty pages. I did not ask why he did so. Lord Henderson in a dinner said—you know your Nehru was given a red carpet reception at Singapore. They have some motives and got the cards under the sleeves. Then he said—well, the image of Subhas is at the back of it. Leonard Mosley in his book, *The Last Days of British Raj*, described that in between the Bania Gandhi and Kalo Brahmin Nehru, the Shatriya Subhas has been sandwiched. I have got many other things to prove here as I have given in the booklet—Subhas Chandra Bose is in Cambodia now. He was in Hanoi right from the year 1953, and he is the man who fought against Americans. You probably know what bombs have been dropped on North Vietnam. That was also dropped in the Second World War. Robert Kennedy in a statement said that a superior force is behind the South Asian scene. Another thing came out in the paper *Span* probably in 1967. There is another important thing which I should state. Netaji Subhas Chandra Bose in a broadcast said, "you, my countrymen, do not accept it." Once a dinner was given and he refused it. Subhas Chandra Bose said, "My countrymen, do not accept the partition; if you do, you are finished for we shall never be able to stand in the near future. Do not succumb to the British conspiracy." And he said many things and the most important thing he said was, "I shall be coming to you in the earliest of 1947." This gave the British a heavy shock. Lord Mountbatten, in Singapore, got a very clear reception of this broadcast. He said this to the King. The king gave it to Attlee, and then a conference was

arranged at Singapore in which Nehru was invited in the month of March 1946, and he was given a red carpet reception. I have seen in the Illustrated Weekly a picture in which Nehru is in the centre, Pamela and Lady Mountbatten are on his two sides. Another thing was that Lord Mountbatten broke the I.N.A. memorial at Singapore about seven days ago from that date. I do not know what was in his mind; but most probably his intention was to impress upon Nehru that 'It is you and you alone whom we consider to be the leader of India.' Abdul Kalam Azad, in his book, *India Wins Freedom*, vehemently protested against the negotiations that Nehru was having in Singapore. In the meantime, Lord Wavell here said that India is made into one, it cannot be divided geographically, you Hindus and Muslims first combine and then your independence would be handed, and he fixed the date as the 18th of June, 1948, that means about ten months ahead but Nehru had a nightmare when he heard from Lord Mountbatten. Nehru knew, Gandhi knew, both of them suppressed these things from the country and Gandhi wanted his fostered Harrow boy to be the Prime Minister. When Nehru was made Prime Minister, Patel objected to it and many people also objected because Patel was the seniormost man in the Cabinet and therefore he should be given the chance, when Gandhi had to come to the rescue of Nehru and explain to Patel, "arey tum bare bhai ho, chhota bhaiko samal lo." I knew Lord Wavell and I met him in Ashutosh College on the 16th August 1946 when the great Calcutta killing was there. This poor man was then the Deputy Director who took advantage of his official position, approached Lt. Gen. Butcher and said, "please help, please help." He gave me an armoured car, and said that he could not give me full help because his official order was only to patrol the streets. I said just give me an armoured car and let me proceed on it so that I can do some rescue work. I rescued about 25 to 30 thousand people and brought them to Ashutosh College, Jasoda Bhaban and other places. Lord Wavell visited the places and Lt. Gen. Butcher introduced me to him. The first question he asked me—how could you manage to rescue so many people alone? I said,

Sir, I know things, and nobody was allowed to go and interfere in these matters. So I had to seek the help which I got from Lt. Gen. Butcher and that saved the situation because he sent a contingent in St. Xavier's College and from there I started rescuing people. So this is the background of our independence. In the meantime, Nehru came back and was very busy to finalise the negotiations. Never for a moment, neither Gandhi nor Jawaharlal Nehru ever expressed that Subhas Chandra Bose had written a letter in which he said that he wanted to escape to India. On the other hand, on the 14th again, the draft was made in Singapore and finalised in Delhi, and nobody was allowed to go there and even Sarat Chandra Bose was refused. Once Sarat Chandra Bose used to have great respect for me and he said Goswamiji, do you expect me to stay with them? I said, why did you join them. He asked me all sorts of questions, and in that information paper, you can see after my article there is a small article of Sarat Bose, and when he was asked to comment on Subhas Chandra Bose, he said that all I know of my brother is that he is in North China. I said, Sir, that agrees with me because Subhas Bose's plane never crashed. Twenty one years ago, Heinz Von Have told me this because Heinz Von Have when he escaped from Dehra Dun Jail was taken to Rangoon where he was captured by the Japanese, thinking him to be a British or American. He knew Subhas Bose and so he approached him. Subhas Bose at first could not recognise him but then when Have said that I am Have, he said, Oh, you Have, and then he embraced him and told the Japanese that he was a German. He had a discussion with General Tojo and let him go. He had a dinner with him and let him go. I will now give you another history, Subhas Chandra Bose arrived at Bangkok on the 16th. He had dinner with Col. Chopra that night. He saw a gold wrist watch in his hand. Here when Shah Nawaz Khan was having his own Commission, it was through my efforts that it was organised. It had to go to Kamath, Kidwai and other people and said, why are you pressing on this question of a fresh probe when you see that Nehru is reluctant to have it because he knows that Subhas Bose is alive. Then they said

that they would bring the ashes. That was opposed, and then I gave that big picture to Kamath and he went inside the Parliament, showed it to all the members. He said that in the face of this picture how can we have these ashes. So Nehru was forced to order for an enquiry but the funniest part of it was that he gave the terms of reference as circumstances leading to the death. Tell me, Sir, if Netaji is dead, what shall we do with the circumstances? We do not care a straw for that and the slipshod manner in which this Mr. Shah Nawaz Khan held the Committee. First of all, he did not inform me at all, but then Shri S. N. Maitra, who was a distant relative of mine, met me and said that well, the Committee cannot do without you. So I was called and then when I told him that Col. Chopra had seen that gold wrist watch on his hand at Bangkok on the 16th, he said that Col. Chopra was not in Bangkok at that time. Next morning I met Col. Chopra and said that you have got to come with me and I brought him in my own car. And when Shah Nawaz Khan saw Col. Chopra, he said, well, Chop, Chop, and I said, Chop is going to Chop you this time. So in his evidence he said that Netaji had a gold wrist watch whereas Shah Nawaz Khan gave a rectangular wrist watch to Sarat Babu as the last souvenir of Netaji Subhas Chandra Bose.

He was whole day there, and on the 17th morning, left for Saigon. There Shri Subhas Chandra expressed his desire to surrender himself at a place called Dalat, about 10 miles from Saigon. It was the place of F. M. Terauchi. He said, we cannot allow the Britishers to take away such a precious life of Asia. It was found that Netaji was in F. M. Terauchi's house all these days at Dalat. In the meantime Americans and British had already been entering the area. So, that was a very critical time and F. M. Terauchi asked Shidei to give a biplane to Netaji and his body-guard. There was no air crash. I said 21 years ago and I say this now. In 1945 it was very difficult to get people in Japan. I asked an old man whether they had any knowledge of a biplane coming. From there they went to Manchuria. It was then under the occupation of Japan. I will repeat this—Hiroshima

was bombed on 6th, Nagasaki on 9th and on the 12th Russia declared war on Japan. As I gathered Russia declared war against Japan because they said that Japan had 200 U Boats and the Anglo American will take possession of those boats. Then Japan surrendered. McArthur in his terms asked Japan to hand over Subhas Chandra Bose but the Japanese said they did not know his whereabouts and all that. Anyhow, when Truman came to know about this, he ordered McArthur not to touch Subhas Chandra. If any action has to be taken against Subhas Chandra it is the British. Don't touch Subhas Chandra. From 22nd he went to Dairen. As soon as 30,000 Japanese prisoners arrived at Kobe, in the first ship, I was there in Kobe in the Orient Hotel. All other officers were in different hotels. I met one General there. I asked him, can you tell me anything about your release? Is it Chinese who did it? He said, Mr. Goswami, I have got great doubts. From the very day we were in the camp we were so well treated. Do you think it is done through second or third man? He said, may be because I have heard there is an Asiatic who is guiding Mao. From Manchuria Subhas Chandra Bose made three broadcasts and the last broadcast was so fatal when he said: I am coming in the early part of 1947. When he could not get any reply I put it to Dr. Radhakrishnan—for two years from 1946 he has been giving broadcasts but there is no response. When he read my book, he said, Goswami, this broadcast you show, I have heard Subhas Bose's voice. I said, Sir, how is it? He said, you see, I am not interested in broadcasts. There is a radio in my drawing room, and from the radio, the voice of Subhas Chandra Bose was coming—a most throbbing voice, as if weeping and appealing, "don't divide India: it will ruin us, Hindus and Muslims." In the meantime, he was taking guerilla training. In 1949, in a meeting at Dairen, Stalin, Subhas Chandra Bose and Mao-Tse-Tung were there and Subhas Chandra was made No. 1. Subhas Bose by his tactics occupied the whole of Chinese land. He became Advisor of Mao-Tse-Tung. There are several stories told to Dr. B. N. Dey by Chou-En-Lai sometimes as Liu-Po-Chen, sometimes as Chandra Bose.

Chou-En-Lai said that Mao was hot headed, that he might bring misery, a third World War. Immediately he ordered to occupy Hongkong. Chou-En-Lai was absolutely perturbed. He went to Chandra Bose, told him, "Please stop it." Chandra Bose, went to Mao. A greater hater of British he said, "No, for diplomatic reasons we have got to do many things. If today we occupy Hongkong, the American 7th fleet, which is standing nearby, might bomb China, and there might be a third world war. If Hongkong remains in the hands of the British it will be a duty free port and China can do business." What was predicted has come true today. China is making crores and crores of rupees from Hongkong. He remained there upto 1955. Then he went to Eastern Tibet, an autonomous State, and there he organised the Liberation Army founded in 1949. I think your Lordship has seen the picture in my book. I approached the Chinese Ambassador to identify the person in the picture. He said it was Marshal Lio Po Chen. I was convinced that he remained in Eastern Tibet and organised, and today, Netaji Bose's Asian Liberation Army has got four million soldiers. Mr. Griffith, eminent political commentator, said that in the world there is no army to match them. So simple, so truthful and so much for humanity that I have never seen. Everyone is given four hours of military training, rest of the time is devoted to making shoes, poultry and doing this and that. It is a self-sufficient country. Only raw materials come from China to that country. Netaji has established a heavenly kingdom on the other side of the Himalayas. There are hundreds of feeder roads, jeeps and helicopters. Eastern Tibet is the headquarters. Herr Hitler ran away in a submarine to Japan. He came to Mabu Rock—a "no man's land" in Burma. In 1962, Subhas Bose was distributing two lakh pamphlets on the border, and on 23rd January in Raipur, Asansol, Shah Nawaz Khan said when he went to Tezpur he came across a pamphlet which stated that the advancing army was not Chinese but the liberation army commanded by Netaji. Netaji's idea was to capture Assam, go through and surround the whole of East Pakistan and make a sovereign Bengal. But Nehru started negotiations with British and American—help us, help us. They came to his aid with

machineries and everything. Subhas felt very annoyed. He said, "We are going back." There was unilateral cease fire. Nobody has heard about unilateral cease fire. When the Chinese were advancing and winning what made them change their mind and declare a unilateral cease fire? This is never to be found in the military history of the world for many thousand years. Since then he went back. Pakistanis feel proud that Chinese are behind them but no help was coming in the Indo-Pak conflict and Pakistan got defeated by the hands of General Chaudhuri. Biju Patnaik was given overall charge of NEFA where Netaji came. He asked the Air Force people to bomb the places. They refused, saying that until and unless orders came from Delhi, they could not do that. It was connected with Netaji, so they refused. Biju Patnaik went there and bombed the places, and then Netaji gave the order—March. Then they captured Sela Pass, Bomdi-la, and came to Tezpur. Biju Patnaik, as overall commander of NEFA, was asked by Nehru to go to America for purchase of arms and ammunition. It is a very funny thing. Biju is known to me for several years but what knowledge has he got in respect of arms and ammunitions to fight this liberation army? For a single person a plane was chartered. What that plane contained I want to know from the Government. Biju was given a diplomatic visa so that there may not be any question about the contents of the plane. Absolutely desperate, poor man ran everywhere to come to the aid of India. There was refusal, refusal. Netaji was a nightmare for Nehru. While I was presenting my book—Everest—Nehru said, "Why have you written this book?" I was very much attracted by the Government of India's "Satyameva Jayate."

"So, from there finding no place Netaji came to Hanoi when Ho Chi Minh took his oath. Robert Kennedy has already mentioned that he is there, I have omitted to mention one thing. During the Korean war in 1952 this Asian Liberation Army fought under the name of Chinese volunteers and there McArthur saw him and wanted to kill him. He was in Hanoi for 3 years and it was he and Hitler who fought the Americans there. 5 lakhs of soldiers were there in the liberation army. Originally North Vietnam had

20,30 thousand soldiers. America claims that they have killed about 2 lakhs of soldiers. Wherefrom these soldiers came? China or Russia did not give soldiers. They were all from the Asian Liberation Army of Subhas Bose, and so far as I know, the Americans started fighting in Cambodia. He was fighting there and he is in Cambodia now and I have said that openly. So, there is a very big game going on. But my point of argument is that when Gandhiji and Nehru got the information why had not they disclosed it to the country? At the cost of Subhas they wanted to rule. Go and see what Subhas has done—a single man has brought an heavenly empire on the other side of the Himalayas. One doctor who was arrested by the Chinese and was kept there in the hospital and the description he gives is wonderful. Mr. Griffith, the UNO's political commentator gives praise to the liberation army that there was none to compete with them in the world. Sir, I request you that the 30 pages of Abdul Kalam Azad's *India Wins Freedom* kept in the National Archives be brought out. It is not for Nehru's wishes that these should be kept for 30 years when the present generation will die and younger generation will grow up and they will forget about transfer of power. That there was a conspiracy at Singapore is evident from the fact that when Lord Mountbatten arrived in Bombay his first utterance was, "I am the last Viceroy of His Majesty who is going to liquidate the British Empire." Without any negotiations with Gandhi and Jinnah, the draft resolution was signed in Singapore, and in a close door meeting, the final agreement was signed. Then, Sir, Shri Mathuramalinga Thever, the President of the Forward Bloc, went to Manchuria has said before the Shah Nawaz Committee. As regards that photo of the Mongolian delegation when it was shown to Gulzarilal Nanda, he said: "This is Netaji." Jagannath Kolay also knows all affairs. He said "Mr. Goswami, I now find why Nehru was absent-minded. Why Sir, I said. He replied, "Because you have released this in the press and when Nehru saw it he became absent minded for 2 weeks." So I make my submission that I know how we got our independence, and I am writing a book on the lines of Mosley's *The Last Days of British Raj*, where I will

expose each and everyone. I know many things, Sir. I know also that out of 23 crores of Dharma Teja a very big amount was given to somebody. I will prove that 'hypocrisy thy name is Britain' and I will expose their whole game.

Another thing Sir, People have a very wrong impression that it was Mahatma Gandhi who gave us the independence. Jawaharlal Nehru made no contribution to our independence. But our first thanks should go to Herr Hitler who started the Second World War which paved the way of our independence. He gave sufficient money, arms, ammunition to Subhas Bose to raise a war against the British and with that he was sent in a 'U' boat 640 to Madagaskar, and with that money, Subhas Bose formed the Azad Hind Force. My second thanks would go to Roosevelt. It is Roosevelt who made a condition with Mr. Churchill that unless and until independence is given to India, 'I am not going to give you any aid.' Then, in Bahama in Miami, an agreement was signed by Mr. Churchill that immediately after the end of hostilities India will be made free. The third is Shri Subhas Chandra Bose. When in his last broadcast he said, 'I am coming', this frightened the British. Lord Mountbatten invited him and what a pompous show was made and Mr. Nehru's head was up and swelled. What he has done. He advised to tighten our belts. Please tell him that we are tightening our belts for the last 23 years. We have been reduced to skeletons. Sir, with due apology and if you do not mind I will say something about a medical theory.

Chairman: I would like to hear you about Netaji and I think that you do not look anything like a skeleton.

Goswami: Sir, a doctor from Vienna said that in every human being there is a male hormone and a female hormone. According to the proportion of this hormone his character is formed. A man can behave in an effeminate manner whereas some females can behave in a manly manner. So I have analysed that Subhas Chandra Bose has got 90 per cent male hormone and 10 per cent female hormone because of his kindness, his sympathy, his affection for humanity. My Lord, Dr. B. C. Roy had 80 per cent male hormone and 20 per cent female hormone.

Rafi Ahmad Kidwai had 70 per cent male hormone and 30 per cent female hormone. But in the case of Nehru it was 80 per cent female hormones and 20 per cent male hormones. And, today, I can assure you that this man Subhas Chandra with 90 per cent hormones can capture India within seven days. I am now 72 years old and who knows that probably it would be my last evidence. I have taken much of your time and I thank you for this."

6.53 I have taken the liberty of inflicting upon the reader several long passages, particularly the last one, from Goswami's evidence as these passages demonstrate better than any argument or discussion the utter futility of enforcing the laws and rules of evidence and observing judicial procedures and forensic discipline in an enquiry which aroused deep and violent passions and destroyed the reason and the objectivity of many of those who participated in it.

6.54 Goswami's statement throws no light on the issues involved in the present enquiry. It reveals nothing of any significance, and the only thing it succeeds in proving is that a determined and vicious individual can inflict a great deal of irrelevant nonsense in a matter which is surcharged with political emotions and uncompromising personal loyalties. With this I dismiss Goswami's testimony as completely worthless material, possessed of no probative value whatsoever.

6.55 Another witness about whose evidence more than a word must be said is Suresh Chandra Bose, if only because he was Netaji's brother and was a member of the Committee of 1956, appointed to enquire into Bose's disappearance. As already stated, he disagreed with his two colleagues, and wrote a Dissentient Report which he published in book form. This Dissentient Report contains a long catalogue of Suresh Chandra Bose's grievances and the shabby treatment which he received in the matter of his residential accommodation in Delhi and his inability to have full access to the documents of the Committee's proceedings when he wanted to record his differing views.

6.56 Suresh Chandra Bose's testimony in the present proceedings was a long diatribe against Nehru and Shri Shah Nawaz Khan and a statement of his reasons for disagreeing with his colleagues. The reasons are for the most part a reproduction of what he had set out in his Dissentient Report. He had no personal knowledge of any event or circumstance connected with his brother's last journey, his arrival at Taipei and his subsequent disappearance in August 1945. His statement, let me say at once, is wholly inadmissible in evidence and has no probative value

whatsoever. It is nothing more than the expression of his opinion, based on evidence before the Committee of which he was a member.

The evidence which Suresh Chandra Bose tendered before the present Commission was little more than a resume of what he had said in his Dissident Report. Indeed, he had prepared a written statement to which he constantly referred during the course of his statement, although he was asked to give his testimony from memory and not from a document prepared at home. Therefore, his evidence is only the expression of an opinion. Such opinion formed by a witness cannot be used for the purposes of determining what took place. For, if Suresh Chandra Bose's evidence is relevant and admissible, all the more so would be the majority report of the Committee of which he was a member, because this majority report was based on the same material, and by the sheer logic of numbers—two against one—it would carry double the weight and conviction of Suresh Chandra Bose's opinion. In any event, the examination of Suresh Chandra Bose's evidence is a pointless exercise, because all the evidence on which he bases his opinion has been produced before this Commission, and in law and justice, an independent assessment of this evidence must be made by me, acting as a one-man Commission to inquire into and report upon the matters referred to me, otherwise I should be abdicating my function and transferring the responsibility of making decisions about the credibility of witnesses and of formulating findings and conclusions upon their testimony to someone who is neither competent nor authorised to do so.

6.57 It has been mentioned in Chapter Five that on 30-6-1956, Suresh Chandra Bose signed a Note described as Points Agreed to. This note extends over three pages and was prepared in quintuplicate. Suresh Chandra Bose signed this document, and made an addition in his own hand on the first page. This addition can be clearly observed in the photostat copy of the document attached to this report. He has tried to explain this away in his Dissident Report at page 178 in the following manner :—

“The next point is regarding a note made by me for my personal use on 30-6-1956, in which I recorded the suggestion made by all three of us for the preparation of my draft report. Some of the highest officials of the land, having failed in all other ways to persuade me to sign the report of my colleagues and thereby made it a unanimous one, fell back on this note of mine as a trump card and tried their best to compel me to sign my

colleagues' report, alleging that, I had signed that note, which contained a statement that said that after examining the witnesses, I was convinced that Netaji was dead. This note of mine has been printed at Pages 70 and 71 of the Report of my colleagues, and as it contained the suggestions of all three of us, some of those suggestions may have been of the nature of findings, but they were definitely not “points agreed to.”

6.58 The reading of the document however, completely falsifies the explanation set out above. In the course of his statement before the Commission, Suresh Chandra Bose said nothing whatsoever about this document and gave no explanation of how he came to sign it. It is quite clear that this note was not prepared for the personal use of Suresh Chandra Bose as he says in his Dissident Report, because it was prepared in quintuplicate and each copy was signed by each of the three members of that Committee. Nor is it correct to say that Suresh Chandra Bose was to draw up the draft report because at the end of the document it is clearly stated that the draft was to be prepared by Shri S. N. Maitra. It is clear that after listening to all the evidence produced before that Committee, Suresh Chandra Bose gave his imprimatur to the unanimous findings of all three members ; but then he changed his mind. This *volte face* was a subsequent attitude, dictated by something that can only be guessed at or conjectured, but which must have been in the nature of some external influence or pressure exercised upon him for reasons that bore no relation to a desire to seek the truth. Suresh Chandra Bose had not discovered any further evidence after 30-6-1956 which made him change his mind. He does not say that a researching of his conscience or a closer re-examination of the evidence led him to the conclusion that he had erred in concurring with his colleagues. So it must have been at the persuasion or intimidation of someone that he turned his back upon Messrs. Shah Nawaz Khan and Maitra and left them in anger. Thereafter, he complained bitterly of the treatment meted out to him in the matter of residential accommodation at Delhi, and of being subjected to what he terms “machination on the part of the highest officials of our Government.” This was a feeble and wholly unconvincing attempt to justify his conduct in first concurring with the findings of his colleagues and then publishing a Dissident Report.

6.59. The sordid story of an alleged offer of the post of the Governorship to Suresh Chandra Bose has already been discussed in Chapter Five and I have recorded my considered finding that this story is completely false and was invented by Suresh Chandra

Bose to give a semblance of justification for his strange *volte face*, after expressing his concurrence with the findings and conclusions of the earlier Committee and signing a document acknowledging this concurrence. The fact of the matter would seem to be that Suresh Chandra Bose was willing to be used as a tool by persons, who for reasons of their own, wanted to proclaim their disbelief of the crash story, and who continued to assert that Netaji was alive and constituted a challenge and a hazard to Nehru's political position in the country.

6.60 This last observation of mine emerges from Suresh Chandra Bose's own evidence. He said in the course of his statement that Nehru anticipated that an enquiry into the disappearance of Netaji would definitely lead to the finding that Netaji was not dead. He, therefore, attempted to obtain a finding palatable to him, and appointed this Committee so that the Committee would pronounce Netaji to be dead. At page 726 of Volume II Suresh Bose is recorded as having said :

"Prime Minister Nehru anticipated that such an inquiry would come to the finding that Netaji was not dead which he knew to be correct. So, he would be proved to be a liar for having stated that Netaji was dead. Soon after this, a few leaders held a meeting in Calcutta and said that though the Prime Minister had declared that Netaji was dead they did not believe it, and so they decided to form a committee with me as its Chairman to make an inquiry regarding Netaji. Shri Shah Nawaz Khan was in that meeting and a copy of the resolution passed in it was given to him with a request to hand it over to me and to persuade me to give effect to the resolution passed. So, on his way to Delhi he met me at Tarmatar, Bihar, and

informed me all about it and told me that he would report the matter to the Prime Minister. Obviously, Shri Nehru knew that Netaji was not dead whereby he would be branded as liar and so he appointed a 3-man committee..."

6.61 The very fact that Netaji's own brother was selected to sit on the Committee proves the *bona fides* of Prime Minister Nehru. It is impossible to believe that Nehru expected Suresh Chandra Bose to pervert the truth against his own conscience. The fact of the matter is that it was Suresh Chandra Bose who later, under pressure or intimidation, resiled from the stand he had taken when he subscribed to the principal agreed points, set out in the document which he had carefully studied and signed, after adding a clause in his own hand. If Suresh Chandra Bose thought that Nehru was making a tool of him why did he agree to serve on the Committee, why did he not resign at once and why did he associate himself with that he believed would be a spurious enquiry. The right and honourable thing for him to do, when he was offered the allurements of a post of Governorship, was to resign. In conclusion I may draw attention to a clear misstatement made by Suresh Chandra Bose in his deposition before the Commission (*vide* page 754 of Volume II) :

"Major Takahashi (witness No. 43) and Captain Yamamoto (Nakamura) (Witness No. 51) had definitely stated that there was no plane crash."

Both Takahashi and Yamamoto did state before the Shah Nawaz Khan Committee that there was an air crash and Suresh Chandra Bose himself admitted this fact in his Dissident Report (See page 103 bottom and page 106-107 of the printed Dissident Report).

SEVEN

SOME THEORIES AND HYPOTHESES

7.1 I shall now deal with the other versions about Bose's whereabouts and the various stories that were narrated in the course of this inquiry, to disprove the allegation of his death at Taipei. There are many witnesses who severally claim to have seen, met or talked to Bose at various times and places long after August 18, 1945. These encounters are said to have taken place sometimes in an aura of mystery, of something secret and clandestine yet scarcely concealed from the public gaze or public knowledge. At other times, Bose is said to have appeared in public places amidst crowds, exposing himself to persons who could have recognised him, but singularly failed to identify him. The sum total of the evidence of these witnesses would seem to be that Bose, the great leader of men, the courageous fighter, the extrovert and a vociferous propagandist has now been metamorphosed into a strangely shy individual who frequently changes his guise and personality, moving from place to place, never making himself truly manifest, never openly declaring his identity, but suggesting it by means of peculiarly subtle and equivocal innuendoes and arcane gestures and expressions.

7.2 The case of the Baba of Shaulmari Ashram has already been discussed in detail while examining Uttam Chand Malhotra's evidence. Of the numerous other stories one is that Bose was seen by Mr. Devun Sen, M.P. at Marseilles in 1946. Devun Sen is no longer alive. But his story is related by two witnesses:

MUKAND PAREKH (Witness No. 173) and
CHAPLAKANT BHATTACHARYA (W. No. 177)

7.3 Mukand Parekh was Personal Assistant to Mr. Devun Sen, who was a Member of Parliament from 1967 to 1971. He says that Mr. Devun Sen went to France in 1946. Many years later, Devun Sen again went abroad. And when he came back, Parekh questioned him. His story is as follows:

"When Mr. Devun Sen came back I questioned him about Netaji, because I wanted to know whether Netaji was alive. He did not say

anything in front of other people, but he called me aside and questioned me why I wanted to know these things about Netaji. I told him that there was a confusion in the country and uncertainty about Netaji being alive. . . . Mr. Devun Sen told me not to ask these questions in front of other people and added that when he came back from Calcutta, he would speak to me about the matter."

This happened in 1966.

"I kept on asking him about Netaji being alive and then in 1968 one night, at 2 A.M. he came to me and said that he wanted to tell me something. I thought he wanted to ask me something about Parliamentary Affairs, but he said that he wanted to say something about Subhas Bose. He asked me to remember that I was his P.A. and that he trusted me implicitly. Then I wrote down what he said. He spoke in Hindi and I took it down in Gujarati. What he said was this:

In 1946 I was going to London as an Official delegate at the ILO Conference at Geneva. We stopped at Marseilles for refuelling. As we were hungry, we went to a restaurant for taking some refreshments and sat round a table. The trade union leader, Shri Joglekar was with us. Suddenly, a military man came and, standing in front of us, he began to laugh. But his face was familiar. He looked like an European. My companions rose to go to the plane and I wanted to go to the toilet. The military man was sitting in front of the toilet door and making a sign for silence by placing a finger upon his lips. I recognised the man to be Netaji, but because he had signalled silence I did not speak to him."

7.4 The story of this encounter should have been related to Bose's near relatives, particularly his brother, Sarat Chandra Bose. With this aspect of the question the witness dealt with as follows :—

“Mr. Sen told him (Joglekar) not to talk about the matter there, and he said that this matter should not be allowed to go beyond the two persons, i.e. Shri Sen and Shri Joglekar. On going to Calcutta, Shri Sen had told Shri Sarat Chandra Bose the whole story. Shri Sarat Chandra Bose observed that Netaji would never reveal his identity in France and that is why he had signalled silence. Mr. Sen told Chaplakant Bhattacharyya, Suresh Chandra Banerji (he is dead) and D. L. Sen Gupta. Mr. Sen said that he did not want to talk about it in public because it was a deep political matter.”

It was in 1970, long after the Commission had been appointed that this story first saw the light of day. It was never mentioned before the Shah Nawaz Committee.

7.5 The interval of 24 years between the strange encounter at Marseilles and its narration in public is nothing short of astonishing. There was no reason at all why the matter should have been kept secret. Also it is clear that Mr. Sen had not met Bose in person for he said Bose looked like a European whereas in actual fact Bose's wheat coloured complexion and the cast of his features were typically Indian. No one could have mistaken him for a European, certainly not one of his own countrymen.

7.6 Chaplakant Bhattacharyya repeats the same story. He says :

“Mr. Sen mentioned to me about this when both of us were in the Lok Sabha. Mr. Sen had gone to Marseilles under a group of labour leaders, and there, when changing the plane, they had gone to the airport restaurant where we had some refreshments. Mr. Sen mentioned specifically the name of Mr. Joglekar as being with him and the narration that I had from him was like this. While he was sitting he suddenly observed that a man in military attire was scrutinising him very closely. He looked up and realised that he was Netaji. Of course, the first simple thing in him was to speak to him, but as he moved, Netaji raised his forefinger and pressed it on his lips just forbidding any disclosure of his familiarity. In that way I saw that. Afterwards when

they went to the bath room both he and Joglekar, one after another, when coming out of the bath room, they found the same figure standing near the passage of the bath room with his forefinger placed on his lips. That is why they did not approach him. But the recognition of the person being Netaji was separately and individually done by Joglekar and Devun Sen. Mr. Devun Sen had been to the bath room first and he was coming out. As he was coming out, Mr. Joglekar was following him and it is Mr. Joglekar who called Mr. Devun Sen and said :

What is it that you have seen? He said : Have you not seen that Netaji is standing there : And then Mr. Devun Sen advised Mr. Joglekar not to create a row about it ; it might lead to very undesirable consequences and so that is how they stopped.”

Mr. Devun Sen and Mr. Joglekar are both dead and their story is no more than hearsay evidence. The story itself does not carry conviction.

7.7 Mr. Chaplakant Bhattacharyya deposes to another dramatic incident which took place some time after partition one summer. Mr. Bhattacharyya was then the Editor of Anand Bazar Patrika. His story is :—

“It was after partition and it was summer. At that time the Anand Bazar Patrika office was situated in Burman Street, not in its present building near Chowringhee. The Editor's room was on the second floor. That was the top most floor of the building. My room was rather a long room with three doors, and because of summer, the door in front of me was closed ; the door next to it was also closed and the farthest door was left open. It was about 1 P.M. Suddenly I heard the sound of wooden sandals entering from the farthest door. As I was waiting to receive the person coming, two young men came before me. One was in full military attire and the other was dressed like a Sanyasi, very young in age, and he had all the requirements of Sanyasi and bhasma (ashes) was there ; the deer-skin was there ; kamandal was there. I was taken by surprise at such a combination appearing at such an hour and I asked him what is that you want from me. They said, Sir, we are coming from Japan. We got down

at Dum Dum and are coming straight to you. I said: "What is the matter?" and they said we have a message from Netaji which we have been asked to deliver to you. My Lord, this was a very surprising experience, unexpected experience for which no one was prepared at this time. So, I told them—I scrutinised the two young men very carefully and then I told them "unless you can give me some proof that you are coming from Netaji, how can you expect that I will talk with you about him, or is it in the message that you say you are bringing from him to me?" They said: "We have a letter." I said: "Kindly show the letter. I shall see the date at the top and the signature at the bottom. I don't want to see the text. I know his signature very well. I can easily find out." They said: "The letter is meant for Sarat Bose and unless we get Sarat Bose's permission we cannot show you the letter." I said: "Then you have got to see Mr. Sarat Bose first and then come to me if you so choose." After that they left. I was expecting for some days for them to come back to me, but they did not appear. That was a strange experience which has remained unexplained to me even up to now. Why the two persons came, what did they bring and why did they not come again? This happened in the office of the **Anand Bazar Patrika**. Then I enquired from the staff working down-stairs and they told me that the two young men had come and "we directed them to you." This is the experience that I have about this matter. They never came back."

Unless this is a figment of the witness's imagination or hallucination on his part, the visit of the two young-men to the witness must be looked upon as nothing more than a practical joke. When questioned about informing Sarat Bose of this encounter he said:

"Somehow I did not contact Mr. Sarat Bose immediately. I left it for some time later, and after a year or a little more, Mr. Bose passed away."

The incident, the witness said, must have taken place in the year 1948 or 1949. But the witness never spoke to any one about it. He was shown the letter Bose was alleged to have written to his brother. The two visitors apparently never went to

Sarat Bose. Only a fool or an extremely gullible person can believe Bhattacharya's story or accept it as proof of Bose being alive in 1948.

7.8 Another encounter with Netaji which is alleged to have taken place in 1947 is also related by hearsay evidence. This is the story of Sardar Niranjana Singh Talib (Witness No. 192), who has held high office. He was the President of the Punjab Pradesh Congress Committee, a Deputy Minister, and then a Minister of State and subsequently a Cabinet Minister in the Punjab. His story is that in 1947 he went to the house of Sardar Baldev Singh where he was introduced to one Mr. Wag, an American Military Officer. According to Mr. Talib:

"As soon as Sardar Baldev Singh introduced me to him, he took me to another room and he started showing some photographs of Netaji. He said that Netaji disappeared to Indo-China. He did not die in the crash but he disappeared and he went to Indo-China and he showed me photographs of some cottage where Netaji was standing."

These photographs, according to the witness, were taken after the date of the crash. Wag had been commissioned by an American paper to write a story about Bose. This story was however, never published, and there is nothing to show that Wag's encounter with Bose after the date of the alleged crash was ever given publicity under Wag's signature in any American newspaper. Shri Talib went on to say:

"I wanted to take one of the photos. But suddenly I do not know what happened to him; he took all the photos. He got somewhat suspicious and he stopped further conversation. He doubted something that I may not leak it out."

It is strange that the story which was intended to be published in an American newspaper had to be kept secret. According to Dwijendra Nath Bose the story was related to him by Shri Talib. In any event Shri Talib's story is secondary hearsay evidence and Dwijendra Nath Bose's corroboration is one stage further removed.

7.9 There is then Goswami's story that Bose visited Peking in 1952 as a Member of the Mongolian Trade Union Delegation. A photograph of this Delegation, together with the Australian Trade Union Delegation was published in a pamphlet (Exhibit No. W-8/G) which has been placed on the record of this inquiry.

The same photograph was published in the issue of **Hindustan Standard** dated 5-10-1955 and the **Jugantar**. The **Hindustan Standard** also published a statement made by Goswami, at a Press Conference. An enlarged framed copy of the same photograph was brought to the hearings of the Commission by Goswami, and its display aroused a great deal of emotion among the audience. Goswami also alleged that a bald monk wearing glasses standing near the bier of Shri Nehru was no other than Subhas Chandra Bose. The second contention of Goswami will be examined in a subsequent part of this chapter. With regard to the photograph of the Mongolian and Australian Delegation I cannot accept it as a refutation of Bose's death at Taihoku in 1945. If the photograph in the pamphlet is accepted to be genuine, there is no reason why Bose's name should not have been mentioned. The only resemblance of the person alleged to have been Bose in the photograph and the real Bose is that both show a partial baldness of the head and both wear glasses. Either Bose was concealing his identity so cleverly that no one else in the Delegation came to know the truth or the partial resemblance was only accidental and no significance can be attached to it. In any event, the evidence of the photograph does not establish that Bose was alive after 1945.

7.10 Another strange story of an encounter with Bose, in January 1954, is related by Mubarak Mazdoor (Witness No. 194), an active politician and a member of the Socialist Party. His story is that, while on a holiday, he went to Rangoon and visited the Ena Lake, which is a tourist attraction. He went on to say :

"After roaming about on the Lake, watching the crowd, I got tired and came to a tea stall where I was standing near a bench. On that there was a sitting a gentleman dressed in Pongi dress—I mean a Burmese priest with saffron coloured dress. It was in the year 1954. It was towards the end of January 1954. As soon as this gentleman saw me, he said, '*Tashrif rakhiaye*'. I got very much interested in a gentleman who could speak Hindustani, and wore a Pongi dress. I sat down by his side. By that time the stranger ordered a cup of tea for me and spoke to the tea-stall holder in very nice and eloquent Burmese. As soon as I saw this man, my mind started wondering as to who could be this man. I had definitely seen him. I asked the gentleman, 'How do you speak good Hindustani?' He said, 'I have lived in India for quite a long time.' I asked him, 'What is your nationality?' He answered : 'men and women are born in one

country, some in the other country, and after a short duration, they complete their journey and leave this world, can you expect a man to tell his nationality after he is dead. You are putting a question to me about my nationality. There are some important points." After that he saw a foreigner coming and he left me. A short while after a pretty Burmese girl came to me and said, your friend Mr. Monk, wants you. Before he left me, I asked his name and he told me that his name was Mr. Monk. I accompanied the Burmese girl to a quiet place on the sand where they were taking their lunch. I was also offered lunch by the Burmese friend of Mr. Monk and that foreigner. Then, Mr. Monk and his friend took me in their car, and left me at my hotel..... He left a great impression in my mind and I was pondering, he must be a great man. He had great resemblance with Netaji Subhas Chandra Bose.....I want to say that he was alive and I believe that Mr. Monk was Mr. Subhas Chandra Bose.....He was none but Subhas Chandra Bose."

Strangely enough when the witness was questioned further he said that when he put the direct question to this strange Monk and asked him if he was indeed Subhas Chandra Bose, the stranger replied in the negative. Then comes this surprising passage in the witness's statement :

"Then again I said, is Subhas Candra Bose dead? He virtually shouted at me and said, who says that Subhas is dead ?

The witness did not appear before the Shah Nawaz Khan Committee, although he said he was persuaded by hundreds of people to go to Calcutta and make a statement before that Committee. His ludicrous story needs no comment. It has only to be heard to be rejected.

7.11 There is yet another story of this kind of accidental or chance encounter, related by Sharda Prasad Upadhyaya (Witness No. 20), a Primary School teacher of Jabalpur. The incident to which he deposed is said to have taken place in 1957 or 1958, in the month of May. The witness says :

"It was about 10 or 11 a.m. I was going to have a bath in the Narain Nallah, which is a stream which flows near our village. Ram Kumar Chaube, another resident of our village was also with me. We were going

towards the path which comes from Jabalpur and goes along the stream. We saw two sadhus come from this route. Hearing the sound of some stones disturbed by their walk, I looked back and saw that the sadhu in front was definitely Subhas Chandra Bose. He was wearing saffron coloured clothes. He was wearing a lungi and a loose kurta. He also had a sheet or shawl on his head. He was carrying a stick. I had never met Netaji personally, but being a school teacher, I have seen many of his pictures in the course of my instruction to my students. And the person I saw was exactly similar to the pictures of Netaji which I had previously seen. Netaji asked me where the route led to, and I told him that it went straight to Jabalpur..... We continued to follow Netaji, but he stopped us and asked us to go and do our own work and not follow him. We did not dare to disobey him and so left him. I did not address him as Netaji, but noticing that we were following him and that the stream had been left behind, he told us to go about our own business and we did not dare to follow him or speak to him further".

The witness went on to make a confession of his too ready credulousness by saying :

"The same day I spoke about the incident to the people in the village. They told us that what we were saying was not correct and that it was impossible that we should have met Netaji and we should not talk in this manner."

The story really deserves no comment.

7.12 MAWU ANGAMI, (Witness No. 202) a Naga political leader, associated with Phizo for several years and now detained in the Special Jail, Nowgong (Assam) was examined as a witness. His story is that he met Bose near Penang in April, 1958. He said :

"Till 1958 I did not know much about Shri Subhas Chandra Bose nor whether he was dead or alive. In 1958 when some INA personnel met me in Rangoon, they told me that Shri Subhas Chandra Bose was alive. They did not mention the place where he was. I met only two officers. They told me that Netaji was alive. After some days I went to Burma. There I contacted other

INA personnel. From there I went to Penang, and they made arrangements for me to meet Shri Subhas Chandra Bose. I personally met Shri Subhas Chandra Bose, in Penang in 1958 April.....Before that I had never seen him. One of the confidential men of Shri Subhas Chandra Bose introduced me to Shri Subhas Chandra Bose. He told me to describe him as Mr. Gupta and Subhas's name was simply made as 'Azad'. Before I could meet Shri Subhas Chandra Bose I had to take a pledge that I would not disclose the existence of Subhas Chandra Bose.....That confidential man introduced me to him and I had to believe, that the person introduced was Bose.

The witness's only knowledge of Bose's physiognomy was derived from some photographs which he had previously seen.

7.13 The witness added that he had related the story, in confidence, to a press correspondent, and a news item was published on September 2, 1957, in the *Hindustan Standard*, as follows:

"That Netaji Subhas Chandra Bose is alive and he had a high level conference with Phizo Naga rebel leader somewhere in Indi-Tibet border in 1952, is understood to have been said by Mawu, personal envoy of Phizo recently arrested in Damcherra Chama while returning to Nagaland from Pakistan".

The witness, when questioned about this news item, denied its correctness and said:

"The mistake lies in the fact that I told him that meeting would be arranged and not that the meeting had taken place between Mr. Phizo and Shri Subhas Chandra Bose".

The Bose's appearance at this meeting was described by the witness thus:

"He did not look like an old man. He was keeping a beard but not full. Within five years the appearance had changed. He told me that within five years he had changed and even his own men would not recognise him".

7.14 The witness's statement is strangely at variance with the report in the *Hindustan Standard*. He says he met Bose in April, 1958, the paper reported

the meeting to have taken place in 1952. He had not met Bose earlier, so how could he say that Bose's appearance had changed in the course of five years. There is no reason why Bose should have wished to see Mawu-Angami who was to him a total stranger. Mawu was in no position to help Bose, nor was any help sought by Bose. The witness has not stated what the purpose of this meeting was, what discussion took place among the two persons and whether any consequences followed as a result of this meeting. He took a solemn pledge to keep the matter a secret, and yet he revealed it to a Newspaper reporter who, at once, gave it wide publicity. The encounter had no purpose or meaning and the whole story appears to be totally unreal.

7.15 Another story of an encounter, in 1962, is deposited to by Swami Nirvanananda (Witness No. 43). This encounter is said to have taken place in Siliguri, in the summer of 1958. The witness said that he saw a jeep in which there were four persons including Bose and the driver. The jeep was standing idle on the roadside, at the bottom of the hill, and the men in it were eating some fruit, and chatting. The witness approached them with a view to getting a lift. Two of the passengers seemed to be Germans, wearing yellow clothes. The driver was dressed in military uniform. And the fourth person was identified to be Bose, and he was wearing a *lungi* and a white kurta. He was clean shaven and was wearing glasses. The witness was given a lift in the jeep. The Germans talked to him but Bose did not. Later, near the Silliguri railway station, just as he was about to get off the jeep, Bose disclosed to him that he was indeed Bose. This is how the witness narrates the incident:

"He disclosed this to me later on. Those Germans asked me 'Can you recognise Netaji?' I told them that I had seen him once, that is for about half an hour. I cannot now recognise. Then they asked me whether I had seen his residence to which I said yes. They further asked me whether I could give the exact address of his residence. I said, it is 2, Woodburn Park, Calcutta, and I have visited it several times. Then the gentleman who was sitting at the front side of the seat burst into laughter. Then he told me that it is Subhas Bose who is talking. This Subhas Bose who has become very popular in the world in the name of Netaji, is talking. Then I was wondering to know who was this Subhas Bose. At last it struck my mind. In the meantime we reached the station and when I

alighted from the jeep, Netaji talked to me in Bengali:

'Again I will see you, stick to your mission'."

The witness went on to say that he saw Bose again on the 28th May, 1964. He was then standing near Mr. Nehru's bier in Teen Murti Bhavan. We know in fact that the person standing near Mr. Nehru's bier was not Bose. It was a Cambodian monk, named Veera Dhammavara (Witness No. 224), who was called to depose before the commission. Shri Dhammavara came and stated that he had stood by Mr. Nehru's bier and that it was his photograph which was shown to him and which has been falsely said to be Bose's photograph by a number of witnesses.

7.16 The testimony of Veera Dhammavara supported by the statement of Dr. Lokesh Chandra (Witness No. 223), an eminent scholar and a highly respected individual (now a member of the Rajya Sabha) furnished a complete refutation of the contention of S. M. Goswami and of Dr. Satya Narain Sinha also that Bose was seen standing near Nehru's bier at the entrance to Teen Murti House. Many persons took advantage of some slight resemblance between Dhammavara's facial features and Bose's baldness to assert that Bose was alive in 1964. Even without the evidence of Dr. Lokesh Chandra and Shri Dhammavara, the story merits rejection, for it is unbelievable that while Bose was striving the whole time to keep his identity concealed, he threw caution to the winds and boldly appeared, his face unconcealed, at a place and time when thousands who knew him would immediately recognise him and hail him. In fact, no one recognised the bald monk as Bose. It was only when a newsreel taken by the Film Division of the Ministry of Information and Broadcasting was screened, that some sensation-monger propounded the astonishing story of Bose being alive and having come to attend Nehru's funeral. The photograph was reproduced in various newspapers and books, some of which have been produced and exhibited in these proceedings. Uttam Chand Malhotra and Satya Narain Sinha produced the copies they had collected to prove that Bose is still alive. Malhotra's copy is Ex. UM/XIX 29-12-1970. He also produced a book in Hindi *Shaulmari Sadhu hi Netaji* (W. 16/RR) in which the same photo has been reproduced. Goswami produced a copy of the newspaper, *Dak* or *The Call* containing the same photograph, while Satya Narain Sinha produced an enlarged copy of the picture along with the picture of the Mangolian Delegation in Peking. This fatuous clutching at anything bearing the slightest resemblance to Bose, however remote and absurd indicates a kind of obsession or what Shri Dutt-Majumdar

called a Bose psychosis which may explain the wild conjectures, the unjustified accusations and the high emotions aroused by the very mention of Bose's death; but it certainly does not throw any light on the subject matter of this inquiry.

7.17 Equally strange and bizarre is the story of Gurbachan Singh, taxi driver (Witness No. 19) who claims to have met Bose on the 13th January, 1962. He said that one day, five youngmen from Indore College hired his taxi for taking them to the Qutab Minar, Okhla and other places. After seeing the Qutab Minar, his passengers asked him to drive them to Birla Mandir as they had given up the idea of going to Okhla. What happened next is described by the witness as follows:—

"After driving for about two miles, near the Swasti Bhavan and the Aurobindo Ashram, I saw three Sadhus emerging from a wheat field, on the right hand side, and crossing the road. The eldest Sadhu among them was walking in front, and the other two were walking behind him with their hands behind their back. All the three sadhus were wearing saffron-coloured sheets or shawls. The one in front was wearing a lungi and a shawl. He carried a stick in one hand and a Kamandal in the other hand and was also wearing spectacles. A driver has to be careful about people crossing the road, and I slowed down to see what sort of sadhu these three persons were. When I arrived near them I sounded my horn. This startled them, and they looked at me. I was very much surprised to see that the foremost sadhu was Subhas Chandra Bose. In 1939 I had seen Subhas Chandra Bose from a distance of 10 or 12 feet (when he was delivering his address at the Ramgarh Congress. In those days I used to be a wood contractor. I saw Subhas Chandra Bose first when he came in the Congress procession and then when he was reading out the resolutions. I was in front of him for over two hours. It was then that he said that the time had come to take direct action if we wanted to free ourselves from slavery under the British.

I stopped my car, got down and addressed him twice as 'Netaji'. But he put his fingers on his lips to silence me, and looked at me in great anger. My passengers said to me, "Sardarji, come away, he is very angry." I told my passengers to take two taxis and

proceed on their journey because I wanted to follow Netaji. The students told me not to do so because if I followed him or informed the police, he would get into trouble because Netaji was under some sort of restriction.

I proceeded on my way and gave up the idea of following Netaji. Whenever I spoke to anyone about this incident, they disbelieved me and said that Netaji had been dead for several years and I was a fool to say that he was alive."

There is really no need to comment on the fictional nature of the above narrative except to say that we may disbelieve it with the same readiness as those to whom it was related on previous occasions. It is clear that the witness has invented the story and deposed to it because of a desire to draw attention to himself.

7.18 MAHESH CHANDER (Witness No. 25) claims to have seen Bose near Jadugir-ka-bagh, Meerut, on 7-10-67. The story he related is as follows:—

"On 7th October, 1967, Netaji came to Meerut and stayed in Jadugir-ka-bagh. On the morning of 7th October, Pandit Bhadra Sen came to me and said that a sadhu who was staying in Jadugir-ka-bagh had sent for me. Pandit Bhadra Sen did not tell me who this sadhu was. In the Jadugir-ka-bagh seven or eight persons, besides me, were present near the sadhu, who was sitting on a wooden chowki. The sadhu wore white tahmad and a white kurta. He had a white beard, He also wore spectacles. He was bare-headed, and on seeing him I felt that he was the same individual whom I had seen in 1939. I asked him why it was that I was seeing him in that guise. But he asked me not to speak about the matter. Madan Mohan had sent Bhadra Sen to call me because Madan Mohan had been to Shaulmari Ashram and also to Okhi Math. I had no talk with Netaji. But he called me to visit him at 1 O'clock. I do not know whether he recognised me as the man who had called on him many years previously. But he asked me what I was doing and whether I had married. I told him that I dealt in cotton yarn and that I had married several years previously. He asked me if I would accompany him to Banaras. According to his instruction I went home, got

ready, and came back and travelled with him. There were two motor cars in which we travelled. We spent the night at Etah and then at Etawah. At Etawah, Ramesh Chandra Saxena joined us. I was not asked to make any contribution or pay any money to Netaji."

The journey proved inconclusive and the witness never met Bose again. There is no explanation, whatsoever of why Bose sent for this person whom he had, in 1939, met for a few brief moments, if the witness's story of the encounter in 1939 can be believed. The entire incident appears to be nothing more than a figment of the witness's imagination, narrated in the hope that the publicity given to it would make him appear important.

7.19 BRAJENDRA SWARUP (Witness No. 24)—a timber merchant of Etawah, who had seen Bose deliver a lecture in the Patel Park in Farrukhabad in 1939, claims to have met him in 1964. He said that on the 8th December, 1964, after reading Uttam Chand Malhotra's articles about the Shaulmari Ashram Baba being no other than Netaji, he went himself to Shaulmari. There he met Swami Shardanandji. The witness stated :

"I got a slight idea that Shardanandji was the same man whom I had heard speaking as Subhas Chandra Bose at Farrukhabad."

There was another encounter between the witness and Bose on the 7th August, 1966, when he went to Okhi Math. On neither occasion did Swamiji speak to him. On 9-10-1967, he met Swamiji again at Meerut. Swamiji was then in a motor car and the witness was asked to supply 3 kilos of pure cow's milk to him. The milk was obtained from a nearby shop and supplied to the passengers in the motor car. The Swami, the witness says, was Bose and he remained there for about three-quarters of an hour.

7.20 Yet another encounter took place in 1968 when the witness claimed to have remained with the Shaulmari Ashram Swami from 27-9-1968 to 2-10-1968 at Amarkantak in Madhya Pradesh. He says that he used to see Swami every day but never told him that he had recognised him as Bose. But he improved upon the statement a few moments later and said :

"At Amarkantak he once said that he was Shardanandji. I told him that I recognised him as Netaji and every pore of my body knew this. He smiled on my saying this.

He did not abuse me nor was I garlanded with shoes."

The witness continued to meet the Baba or Bose from time to time. He met him on 7-6-1969 for the last time. After that he said he had no further communication from this Swami nor had he seen him.

7.21 The reference in the garlanding with a string of shoes was to the indignity suffered by Dixit (Witness No. 13) when he visited Shaulmari. Brajendra Swarup thus claimed to have enjoyed Bose's confidence and achieved a more prestigious status than Hira Lal Dixit. But the story of the numerous chance encounters narrated by the witness is no less false and fictitious than Dixit's contention that the Shaulmari Sadhu is in fact Bose.

7.22 THAKUR SINGH (Witness No. 42), who was a member of the Indian National Army in Burma is another witness who claims to have met Bose as late as April, 1970. His story may be related in his own words. Giving evidence on 3-3-1971, he said :

"I saw Netaji last April. I saw him in Ambala but he did not admit that he was Netaji. He talked to me from 10 A.M. at Ambala. Since I have spent my whole life with Netaji, I was able to recognise him. My brother-in-law is a Flight Sergeant in the Indian Air Force posted at Ambala. His name is Ishwar Singh. I had gone to Chandigarh and he telephoned me asking me to come to see him before I went to Kapurthala. I went to Ambala and he told me that he had met Netaji. I asked him how he had met Netaji. He said, he would tell me afterwards. I went to Kapurthala, and from there, I wrote a letter to him asking him to let me know the details of how and when he had met Netaji. The next day my brother-in-law came to Kapurthala. He told me that he had met Netaji at the house of a certain person whose name he did not reveal. My brother-in-law showed my letter to this man, but the man told him to tear up the letter and told me orally, by word of mouth, where he and my brother-in-law had met Netaji. My brother-in-law telephoned me at Kapurthala at the Block Samiti and called me to Ambala. This was in April, 1970. My brother-in-law took me to another Air Force Officer's house. I do not know the name of this Air Force Officer. Netaji used to come to this

house. Outside the room two or three persons in saffron clothes were sitting, and in reply to my query, they said that I could not see Swamiji. Half an hour, later, they permitted me to go and see Swamiji. It was only when I told them that my name was Col. Thakur Singh and that I wanted to see Swamiji that they permitted me to go in. For three hours then Swamiji, whom I recognised as Netaji, talked to me about the politics of various countries and what was happening everywhere. At half past one he called out, and asked whether the midday meal was ready. He told me also to go and have my midday meal. I told him I wanted to ask a question, and then asked him about a unit which had been formed in Singapore to which Netaji had told me to go. Swamiji was sitting alone when I went into the room. I recognised Netaji by his talk and not by his appearance because his complexion was different. Swamiji was a little darker than Netaji, whom I had known to be fair-complexioned and pink. I did not recognise Netaji, when I first went into the room and saw him. It was only later when talking to him that I realised that he was Netaji. I did not ask him why he was wearing saffron-coloured clothes. Whenever we used to salute Netaji we used to close our eyes on account of fear. But I did not close my eyes when I saw Swamiji that day. He is not an ordinary man. When I addressed him as Netaji, he told me to shut up. It is not true that he was somebody else and not Netaji."

All that it need be said about this witness is that he defies reason and belief. The story narrated by him is manifestly false.

7.23 I do not propose to examine each and every encounter of this kind and will content myself by referring to two or three more instances only. The most important of these is the incident deposed to by Usman Patel (Witness No. 32). His story is :

"I went to Nagda after this Commission had sat in Bombay. I heard that some Baba had come to Nagda. I was told this by a man called Shukla from Bhangra near Gwalior . . . Chiranjitlal Sharma, an officer of the Forest Department also gave me the same information . . . These two men

asked me to go and see Baba and identify him. They had stayed with the Baba for some time. They did not know who this Baba was. I had not seen this Baba before. These two men took me to Nagda. I went straight to the hermitage of Baba. Information of my arrival was sent to the Baba. We obtained the permission of Baba to see him and all of us went inside. There was a chowkidar outside, but he, too, was our man. The chowkidar belonged to Nagda and was engaged by the Baba. It was 4 P.M. There is no electricity in Nagda. There was daylight inside the room. Baba was present. Baba was sitting on a charpoy. The room measured about 30' x 15'. We sat about 10 ft. away from the Baba. The Baba was then wearing only a loin cloth. My two guides told the Baba that they had brought Usman Patel, that is myself. The Baba began to weep and I also was in tears. I wept because I remembered Netaji. I do not know why the Baba wept. There was no other reason for my weeping. I spoke to Babaji and asked him why he had grown a beard and put me in trouble ? Baba made no reply. I again said why he had ruined us. I told him that he had become a Sadhu and grown a beard and abandoned us. I became angry and left the Baba and came out."

After this somewhat unsatisfactory interview, the witness was again taken to the same Baba.

"On the second occasion, Babaji called me at night. On the second occasion I reached Nagda at 6 P.M. The Baba called me at 10 P.M. and told me that, in future, if I wanted to see him I should go to him in the evening and not during the day . . . I went inside the room . . . I saw the Baba had shaved his beard. I went and touched the Baba's feet and sat down near him. He asked me what I was doing. I told him that I was working as a labourer wherever I could get work."

The witness went to Captain Talwar and told him that the Baba looked like Netaji. He asked Captain Talwar to accompany him to Nagda and verify the fact for himself. The story of the visit is described by Captain Talwar (Witness No. 175) himself. Asked if he knew Usman Patel, Captain Talwar said that he had met him only recently when Patel had gone

to see him on August 14, 1970. Captain L. C. Talwar went on to say :—

"I was sitting in my office. A few INA people were surrounding me and he wanted to speak to me alone. I told him, "Wait a bit and let me finish with these people, then I will give you a chance". After that I took him to another room, next room and he asked me to accompany him to Nagda to Swami Jyotirmoy Dev and he also asked me to take a few of the INA people "because the man, Sadhuji who is Netaji, is in danger and he wants some INA people. I replied that I cannot take INA men with me unless and until I am myself satisfied that he is Netaji . . . On the next morning, i.e. the 15th, we started from here (Delhi). We remained one night at Agra because the bridge was broken and next day we started for Gwalior. 16th/17th night we were in Gwalior, and on the 18th evening we reached Shivpur Kalan in District Morena. From there I was taken to a house that is in village Raipur. I forget to mention that there was another man also with Usman. His name is Kartar Singh. We three had left Delhi on the same day together. So, Kartar Singh took me to his own house which was in village Raipur. Kartar Singh is an agriculturist and he has got some land there. He belongs to U. P. and is settled there . . . I wrote a chit on that evening but it was sent to Swamiji, or Babaji, whoever he is, the next day. I will show you the chit. It is on my own letter-head and I wrote : "Respected Swamiji, I am here, at Raipur, as desired. I may kindly be permitted to have your darshan". On the 18th morning, it was sent through a messenger to Swamiji and the messenger told me when he delivered this chit to Swamiji he asked for a pencil to make some notes and Swamiji wrote this reply with his own hand on the back of the chit. In that he had written two lines for me :

"Main nahin janta tum kaun ho aur kis sabab se Raipura main rah rahe ho."

(I do not know who you are and why you are staying in Raipura).

Then there was a message for Kartar Singh, which read :

"Kartar Singh, tum bare behooda aadami ho. Kya ab bhi muje satane se baaz nahin aayoge. Eashwar ke liya mujh bridh sant . . ." I cannot read.....On receiving this chit, I was very much annoyed and asked these people—Usman Patel and Kartar Singh, why they had brought me here from Delhi. He replied : actually a messenger came from the Ashram or the Mandir, or whatever it was, and he told me that Swamiji wants that you should go to Delhi and bring Captain Talwar of the I.N.A. So I asked him to bring that messenger and I will enquire myself."

The visit to the Ashram then followed and Captain Talwar accompanied by a Sikh Doctor and an Advocate from Gwalior went to the Ashram on the 20th.

"We reached there in about half an hour's time and the chowkidar stopped us at the gate. Actually I told them not to say that I am Captain so and so from Delhi. They asked me to keep quite and we shall let you know."

The three visitors entered Swamiji's Ashram. The Swami was, apparently, undergoing a fast and was extremely weak. The visitors stayed there for about five minutes, and spoke to him but the Swami merely moved his hands and did not speak. Captain Talwar said:

"I was looking at him from top to bottom and from head to feet. When there was no reply we thought that he was too weak and so we did not want to trouble him....." According to him he was not Netaji.

On the question being repeated Captain Talwar answered that the man he saw was not Netaji.

"I am sure hundred per cent that he was not Netaji. His way of talking was also not that of Netaji."

Indeed according to Captain Talwar, the Swami was extremely angry with Kartar Singh, who, he said, was exploiting him. He addressed Kartar Singh in the following words:

"Aapko sharm nahin aati ki meri is halat main mujhe dhoka de kar ise ander le aaye."

(Are you not ashamed that you have brought him here by deceit to see me in my present condition).

7.24 A few more witnesses fall into this category and a brief reference to their evidence may be made. The first of these is Datta Jagtap (Witness No. 83). He says that in 1951 two persons complained against him to Netaji and Netaji called him at Khalapur, a small village near Khopoli on the Bombay-Poona Road. These men came with weapons, and under duress, took the witness to Khalapur. Netaji, whom he knew, because he had seen him twice, once in 1937-38 at Haripura and the second time at the Tripura Congress, reprimanded him because he (witness) had married the wife of Dr. G. D. Naik, a political leader of Goa. He says that in 1968, he went to Manipur to meet Netaji, once again but could not do so. The witness's evidence is a bunch of lies and he cannot be believed. There is no reason whatsoever why Bose, living incognito, should have sent for a man he did not know and reprimand him.

7.25 The second witness is P. M. Karapurkar (witness No. 84). He is the Agent of the Central Bank of India at Sholapur. He claimed that he receives direct messages from Bose by tuning in his body like a radio receiving apparatus. Nothing further need be said about this fatuous story. The witness has never met Netaji in person, and has only seen his pictures. It passes comprehension how the witness is metamorphosed into a radio receiving set or why Bose should have chosen him to send messages which he (witness) stoutly refuses to disclose, because by doing so he would be violating Bose's confidence.

7.26 The third witness is S. P. KATTIMATH (Witness No. 85). He is the Divisional Officer, Dharwar in the Life Insurance Corporation. He said that he gets messages from Bose through some of his followers and close associates. He, however, declined to name the person who brought these messages to him and what the substance of the messages was.

7.27 Another witness whose evidence must be noted here is Dr. B. RAMACHANDRA RAO (Witness No. 80). It may be stated, at the outset, that he admitted to being a neurological patient, and had spent some time in hospitals for treatment. He is obviously a person with a deranged mind. His evidence is at variance from the evidence of other witnesses. He says that he travelled with Bose in a submarine from Germany. He says that he was the only Indian in the submarine and even excludes the presence of Abid Hussain who is said by every one to have accompanied Netaji from Kiel to Sumatra and Tokyo. Rao says that Bose did not change the submarine enroute, and he travelled in the same submarine from Germany to Tokyo. He says that he

was Bose's medical attendant, and was at Saigon, at the end of the War, when Bose arrived from Bangkok. His story is that, at Bangkok, a member of the Harakiri Squad was chosen to pilot the plane which Bose, the witness and a number of other persons entered. It was planned that as the British 14th Division was pressing through and Bose was being hunted, a fake air crash should be arranged to save Bose. So the plane took off and landed at a Japanese emergency landing place after 20 or 25 minutes. The witness went on to say:

"The pilot and some of the luggage were left in the plane, and perhaps 2 or 3 other persons were also left in the plane. Myself, Netaji and 2 or 3 persons also came out. The sword of Netaji was in the plane and some other belonging of Netaji and some of the wearing apparel of Netaji were also left in the plane, on the instructions of a Japanese intelligence officer."

Bose was transferred to the Japanese barracks near this emergency landing place. Bose, the witness and the other persons in the party stayed at this place for 5 or 6 days, and then a German submarine arrived there. The examination of the witness proceeds thus:

Q: Did you see Netaji getting into the submarine?

A: After the submarine arrived he was in conference for a lot of time as to where to go and what to do. He asked the commander, "Can you just push us to USSR?"

Q: In your presence he asked this?

A: Yes, Netaji asked the Commander of the submarine. But he was not sure. Subsequently the submarine left after crasing the Swastika mark.

The witness stayed on for 2 or 3 days and then came to Singapore.

7.28 It is quite clear that the story narrated by the witness is no more than the outcome of hallucination or the product of a demented mind. Nothing more need be said about this witness.

7.29. Rajaram Dixit (Witness No. 26), an advocate of Mainpuri in the State of Uttar Pradesh, is another instance of psychopathy, for his story is so utterly fantastic that only a person with a deranged mind could have narrated it in all seriousness, as Dixit undoubtedly did. This, in brief, is what he said :

7.30 Dixit's father died when he was only 14 months old, but his father's sister's son Raghuvindra Dayal who was a Sadhu and a Guru, adopted him and trained him to work on the National Congress from the early age of 6. Dixit grew up to be a zealous patriot and a true congressman; but when in 1938 or 1939, Bose paid a visit to Kanpur, where Dixit was now living, he disobeyed the party's advice to abstain from taking part in welcoming Bose. "I took pride in breaking such advice rather than in its strict observance", he said. Dixit, though only 21 at the time, made all arrangements for Bose's reception and his address to a mammoth gathering in Shardashanand Park. Bose arrived, was received and was seen off by Dixit, but on that occasion, the only word he was able to say to Bose was "Namaste", because Bose's motor car was surrounded by a group of admirers, and Dixit could not get close enough to say more.

7.31. The next time when Bose visited Kanpur, to address a meeting, Dixit sat with him on the dais. This sudden catapulting into prominence and Bose's confidence was achieved not by writing to Bose or conversing with him but through what must have been a process of thought communication. In obedience to a secret instruction sent by Guru Raghuvindra Dayal from his death bed, he (Dixit) waited for an opportunity to have contact with Bose, and the opportunity to achieve this objective was afforded by Bose's second visit to Kanpur. By then the British authorities had received intelligence reports of Dixit's political leanings, and had sent a posse of C.I.D. men to surround him. Contact with Bose was lost after this visit when Bose left the country and went away to Germany. In course of time, Dixit read newspaper reports of Bose's death in an aircrash at Taihoku, but he disbelieved the story, "because I knew that Netaji is a superman having a big diplomatic brain."

7.32 In 1950, Dixit had the good fortune to see Bose again. The meeting took place in strange circumstances at Bombay. The Rajkumari of Mainpuri, also known as the Rani Sahiba, fell seriously ill, and she asked Dixit to help her. He took her to Lucknow where the doctors advised her to go for treatment at the Tata Memorial Cancer Hospital in Bombay. Dixit made the arrangements and the Rani Sahiba, accompanied by the wife of the Governor of Uttar Pradesh arrived in Bombay. Dixit stayed in Bombay while the Rani Sahiba was being given medical attention.

7.33 Whenever Dixit came out of his house in Bombay and wherever he went he "was surrounded by hundreds of foreign girls", who were all spies of different nationalities. This strange assembly of girls, known to be spies, however, did not arouse the curiosity of any one, and not even the police took any

notice of their unconcealed, almost brazen, subversive activities. Once an attempt was made to shoot Dixit by Nanavaty, an officer of the Indian Navy, who became notorious for killing his wife's paramour. According to Dixit, Nanavaty and his wife were "first-class spies of Britain". One day Dixit was taking the air and walking along the road by the sea-side, when

"All of a sudden, a healthy and stout man, guarded by another man, came to me. And the moment he came near me, he said, 'Look here. I am Netaji.' He was dressed in the dress of a Kabuliwalla. And I had a serious and thorough look at his face like this, to see whether he was Subhas Babu or somebody else. And I was convinced that he was Subhas Babu. Then I began to dance."

The witness suited his action to the words, by performing a brief terpsichorian act. The examination of the witness proceeded thus :

Commission : Did a crowd collect there ?

Shri Dixit : Not at all, because we were only three, the guard, Netaji and I. I forgot to tell him anything because of joy at that time for two minutes. I was so much overjoyed.

Commission : He also watched you dance ?

Shri Dixit : He laughed very loudly, he burst into laughter. Then, after that, Sir, I said to him, 'You are here. Have you come to know of the tragedy which happened to me.' He said, 'Yes, I know. You were going to be shot dead by the British spies. And they are British spies. I have already this information with me.'

7.34 Dixit said that he had a long discussion with Bose on that occasion. He told him that he (Dixit) had been approached by conspirators, who had planned Mahatama Gandhi's murder, to join them. Dixit, however, refused. Witness, therefore, claims to have had previous information of Mahatama Gandhiji's murder, but he was not examined by the Kapur Commission investigating into the matter, though (he says) he sent an affidavit to the Commission. It is obvious that Mr. Justice Kapur declined to believe Dixit's absurd story and thought it unnecessary to examine him personally.

7.35 Dixit went on to say :

"In the roaring voice of a lion he told me, 'I assure you a day will come when I will

made a thorough probe in this matter and put it before the whole world. I give you this suggestion. Don't care for anybody else in this world. He gave this suggestion Only his bodyguard was there. Nobody else came. Nobody else was there. Nobody else, except his guard was allowed to be present there." Questioned if he and Bose had sat close to one another, the witness said : "We were intelligent enough to take our seats in separate places, and to talk in such a manner that others would not come there, nor could listen to what we were talking. We were intelligent people talking. He gave me his assurance in a roaring voice."

The witness's examination proceeded:

Commission : But when anybody roars, usually in Bombay, a crowd collects

Shri Dixit : The roaring was just for me, just for my hearing, not for others. Then, My Lord, when he gave this assurance, I stopped weeping, and I was again very happy and I again started dancing out of joy, because he gave me this assurance. Then I was very angry and he was smiling at the

Commission : Very angry ? For what?

Shri Dixit : Yes, Sir, because this was the last meeting. I was angry with my fate. But he was smiling. Then again, in the end, in a loud voice, Netaji told me, 'Do your duty. Don't care for anyone else in this world. I am there. I am alive', and he gave me the order also, pointing out to those girls, 'Go and do your duty there. This is the country's cause.'

Commission : What sort of duty would it be with the girls there?

Shri Dixit : Having to unearth the secrets of the foreign countries by having contacts with them".

7.36 The witness was asked if he had spoken about this meeting to anyone, and he replied : "No, Sir. I declared, therefore, that Netaji was alive. Wherever I went people came to me and put this question: Is Netaji alive? And I said, he is alive. Then they thought that I was mad."

7.37. The third and the last meeting with Bose took place at Mainpuri in February or March 1969.

On that occasion Bose was in the Rani Sahiba's garden and Dixit went to see him there. Bose was alone and was wearing a lungi round his nether limbs, while the upper part of his body was bare. He was, however, wearing, what the witness called 'precious shoes', precious because 'they were very beautiful to look at.' Bose wanted to have a bath at the tubewell and Dixit asked his servant to work the tubewell motor. Dixit said that he was quite sure that he recognised the person whom he had met in Bombay and whom he had met earlier in Kanpur. Bose stayed in Mainpuri for 5 days, conversing with the witness every day, also he drank the milk of a black cow arranged by Dixit. Said Dixit :

"I thought for Netaji, I must make special arrangements for his food. He said: 'I do not take food or fruit.' Then I said : 'Would you like cow's milk? He said : 'Yes, that is the correct thing.' So I arranged for this black cow. It used to roam about in the garden, eating the grass the whole day and it used to give the best milk."

7.38 Finally, the witness claimed to have received messages from Bose and the latest message he received was on Christmas day in 1970. Bose on that occasion told him that he would keep a strict watch over the proceedings of the present Commission.

7.39 No comment on this palpably false and fantastic story is called for. That Dixit, an obscure lawyer of Mainpuri, should have been singled out by Bose for clandestine meetings and intimate conversation could only have been imagined by a diseased mind or a person so utterly lost to all regard for truth that he could on oath, tell blatant and transparent lies.

7.40 It will be seen from these narratives that there is no dearth of stories invented to prove that Bose is still alive. Knowing Bose's character, his temperament, his antecedents and the part he played both before and after his departure from India in January 1941, it is impossible to believe that he could have conducted himself in the manner described in the above stories. There was no need for Bose to masquerade himself as a sadhu or a Swami and while revealing his identity to persons whom he had known slightly only he need not have asked them to keep the matter secret. He is alleged to have appeared with his face completely uncovered in public places such as the funeral of Pandit Nehru, as a member of the Mongolian delegation to China and so being recognised by the persons who knew him well. Yet, at the same time, we are asked to believe that Bose was taking every precaution to conceal his identity so

much so that he made gestures of silence to those whom he met, and asked them not to reveal his identity. The meetings were, in all cases, accidental and quite unanticipated. But they never had any purpose or any meaning. Most of the persons who claimed to have met him were not his intimate associates or political workers personally known to him. Some of them had never met him in person and their knowledge of his facial features was gained from old photographs. Others were certainly not on such intimate terms with him that he should have singled them out for a private indeed, a conspiratorial discussion. The complete collection of these stories reads like Arabian Nights Entertainments or exploits in a strange wonderland in which nothing seems real or rational. In the same category falls the story related by Gora Chand Sanyal (Witness No. 6) who says that he was in charge of the prisoners of war camp in Singapore in August or September, 1945. Sanyal's story is not a direct story, for it is merely an account he heard from someone else. It is interesting because it is indicative of the manner in which witness in the course of this inquiry have tried to strain human credibility in their endeavour to add importance to themselves. He says that among the prisoners in Singapore was Kazu Hiko in the Jurang Road camp, who acted as Bose's driver. Sanyal said:-

"One day when I was working in the camp, detailing the Japanese drivers for driving convoys, clearing debris and different other works, this Kazu Hiko came to me and told me a very interesting story about Netaji's mysterious departure from Singapore. To be very frank, as I love Netaji, as I adore Netaji and as I worship Netaji I was very inquisitive to learn the story from him. He told me that along with the Japanese General and these two swords he drove Netaji along Bukidimah Road down to the submarine base and Netaji told this driver to wait there for half an hour and if they did not return by that time the driver should take the car back to the camp.....They did not return and afterwards I told the driver to drive my car and as a matter of fact I appointed him as my own driver. So long as I stayed in the camp, this Kazu Hiko was driving my car, and one day he handed over the two swords to me when he came to know that I came from Calcutta, the place of Netaji."

One of the two swords is said to be the one which Bose wore with his military uniform. The manner in

which the swords were brought back to India was also unusual. According to Sanyal these swords were kept concealed in a rubber plantation in Singapore. Then, when he was returning to India he brought them in his hold-all. He says that, one evening, he happened to meet the late Air Marshal Subrato Mukherjee and asked him to take him to India. The Air Marshal was going to India in his plane and gave a seat to Sanyal. Sanyal brought those swords to India, handed them over to his mother where they remained unknown for several years. The witness disclosed the possession of the swords only in 1969 when he spoke of the matter to Moni Chakraborty, a reporter of the newspaper, *Jugantar*. The story was then published in *Jugantar* of 3-4-1969 (Exhibit No. W-8/E). The entire story narrated by Sanyal constitutes hearsay evidence, for he is merely stating what he heard from Kazu Hiko. The identity of the swords has not been established by independent evidence, and the long period of complete silence on the part of the witness is a factor which induces disbelief of the witness's testimony. I find it difficult to believe that the Air Marshal would, disregard military rules and carry a passenger in his special plane when there was no urgency about Sanyal's return to India, and there was no other reason for departing from the norms of conduct.

7.41 The last piece of evidence in this category to which a reference must be made is the story told by Usman Patel of a fake crash at Taipei to cover Bose's escape. He says that he was one of the 30 in the battalion which constituted Bose's bodyguard. He remained Bose's bodyguard till the 18th August, 1945. His story is as follows:-

"On the 18th of August, I accompanied Netaji at 8 or 8.30 A.M. We reached Saigon at about 10.30 A.M. We stayed there for an hour and a half. There the aircraft was refuelled. We left Saigon at 11.30 A.M. We reached Taipei at about 12.30 or 12.45There were in all four persons in the aircraft, including the pilot of the plane as the fourth man. Netaji, Col. Habibur Rahman and myself were the three persons and the pilot the fourth one....."

Q: How big was the aircraft? Was it a big one or a small one in which you went to Taipei from Singapore?

A: It was neither a small aircraft nor a big aircraft. It was enough to accommodate 8 or 10 passengers. When we landed at Taipei,

Mr. Rash Behari Bose's wife and her two sons and Japanese officers Nikame and Somane were present. These people were all in the resthouse and they came to welcome Netaji. A little later, Mrs. Rash Behari Bose asked the Japanese sepoys to give both of us, Col. Habibur Rahman and myself food. So, Col. Habibur Rahman and I went to the mess. The food was ready, and I had taken only 2 or 3 morsels, when a Japanese came and said that I was wanted by Netaji. I left my food and ran to Netaji. Netaji asked me to set fire to the aircraft. I picked up two two-gallon tins of petrol. I entered the aircraft. The pilot was sitting in his seat. I sprinkled petrol on all the seats and other places. After sprinkling petrol, I came near the door of the aircraft, and with a lighted match, set fire to the aircraft. I was, at that time, standing inside the aircraft near the door. I jumped out and at once the pilot took off the plane. The plane would have gone up about 50 feet. The pilot took the aircraft upto 50 or 60 feet. Then he crashed it to the ground. He himself parachuted out. The pilot landed on the ground first and he ran to where Netaji was.....I went to Netaji. Netaji sang a song. Rash Behari Bose's wife and her two sons and Japanese Captains Nikame and Somane and Japanese Sepoys, all sang the song. Col. Habibur Rahman ran to the plane to take out his box. He took out the box and in doing so, he sustained several burn injuries. He suffered injuries in his hand and on his face. He also sustained a cut on his big toe..... Netaji took off his military clothes and put on Japanese clothes.....Netaji asked me to stand near a pillar on one side. The Japanese soldier tied my hands to the pillar of the rest-house. After this, the Japanese tied a bandage over my eyes.

Then Netaji said, see Patel, time is bad. Enemy is on all the four sides. It is difficult for me to save myself and I (Patel) should go back to India. After this all of them went away. I do not know where they went away because I could not see as my eyes were bandaged. Some time later, the Japanese soldiers untied me from the pillar. I saw Col. Habibur Rahman was lying down. Except one or two soldiers there was no one at all. Habibur Rahman was

taken to the hospital. I got an empty-shell and put Netaji's clothes in this and buried it in a trench which was there. I covered it with earth and levelled it."

When questioned if he had related the story to anyone, he said:

"I did not relate the story of the burning of the aircraft, its crash and the disappearance of Netaji either to Mahatma Gandhi or to Mr. Nehru because India was not at that time free. I did not relate the story to anyone till I appeared before the Shah Nawaz Khan Committee. When the Shah Nawaz Khan Committee was still in India and before it left for Japan, I went and related the whole story to Mr. Nehru. I related the story also to Shah Nawaz Khan. Shah Nawaz Khan did not permit me to appear before the Committee to give evidence. I did not approach any newspaper reporter at that time nor did I tell anyone my story."

The witness claimed that he knew Mr. Nehru well and Mr. Nehru had conferred favours on him.

7.42 The story of his visit to Mr. Nehru is described as follows:—

"At Delhi I tried to see Mr. Nehru for three days, but I could not see him. On the fourth day I put on my INA uniform and went to his residence. I stood up at the gate of Mr. Nehru's residence when he came home in his car. He recognised me because he had seen me frequently at the Red Fort. He got down from the car and put his hand on my shoulder and asked me: 'Patel, when did you come?' He asked me why I had not seen him before. I told him that I was waiting there for three days and I was not allowed to enter. He took me inside the house. I was given food, and Mr. Nehru was sitting opposite me. Suddenly, I thought I saw Netaji standing there. I left my food and stood up. I told Mr. Nehru the full story. I fell down at his feet and begged him to take me with him so that I could show him the place where Netaji's clothes had been buried by me.....I left Nehru's bungalow and went to Maulana Azad's bungalow. Maulana Azad recognised me. I asked Maulana Azad what the truth was and he told me that 'I had been with Nehru

and had talked with him.' I said that unless he told the whole truth, I would commit suicide in his presence.....

He told me that he was going to write a book before he died and that he would mention this matter in that book."

It is clear that Usman Patel is either given to hallucinations or has woven a completely false story round two basic facts viz. Habib is said to have sustained burn injuries and Maulana Azad wrote a book

of which some pages are not to be revealed for several years. The witness has tried to include these two facts in his story. The story, however, is totally at variance with the version of Bose's journey as narrated by all other witnesses, and according to him Bose left Saigon on the 17th August and not on the 18th.

7.43. I find it impossible to accept any part of the story narrated by this witness.

EIGHT

SOME MISCELLANEOUS MATTERS

8.1 In this chapter I shall discuss a number of miscellaneous matters without mention of which this report would lack the virtue of completeness. I shall first take up the role played by Prof. Samar Guha in these proceedings.

8.2 Prof. Samar Guha may be said to be the Prime mover and initiator of these proceedings. It was his zeal and persistence which finally prevailed upon the Government of India to institute the present inquiry and appoint this Commission. He took a live interest in the proceedings, and testified before the Commission on three separate occasions. He went to Taiwan and was present there when the Commission paid a visit to that place to inspect the airfield where Bose's plane is alleged to have crashed and to gather whatever evidence was available there. He has made several statements in Parliament and at press conference about the subject matter of the inquiry. He, therefore, deserves more than a passing mention of the role he has played.

8.3 Prof. Guha is an active member of the Forward Bloc and a dedicated, uncompromising follower of Netaji. I have little doubt that he has been actuated by the highest motives in doubting the truth of the crash story and in trying to unravel the mystery of Bose's disappearance. I cannot, however, help observing that he has lent too ready an ear to gossip, rumour, conjecture and fantasies woven by interested individuals. He has accepted newspaper reports as reliable evidence of the published facts, though in many cases, these reports were inspired by sensation-mongering reporters or were given publicity by individuals who had scant respect for truth. This attitude, unfortunately, led him into making a political issue of what should have remained a national cause to which every one should have brought an impartial mind, an unswerving determination to seek the truth and a stern resistance to emotion-charged gullibility. Prof. Guha's zeal led him to convert his pursuit of truth into a predatory hunt in which the objectives were the report of the Shah Nawaz Khan Committee and the story of Bose's death caused by an air crash.

This was regrettable because he who seeks the truth does not set out with the prepossessed notion of disproving a hypothesis or theory. The impartial, unprejudiced mind has no blot on its copy book which must be erased before the new score can be written down. Shri Guha's passionate anxiety to disprove Bose's death made him interpret every piece of evidence, every rumour, every conjecture only in terms of his personal prepossessions rather than objectively and judiciously.

8.4 A formal appearance on behalf of the All-India Forward Bloc was first entered on 2-11-1970 when Shri Amar Prasad Chakraborty represented the All-India Forward Bloc before the Commission. He presented a petition which is a long and rambling political harangue containing nothing of any value to the Commission or any material which would advance the inquiry. There are certain conjectures and speculations, and a great deal of adverse criticism of Mr. Nehru and of the Government. There is no statement of facts, no indication of any evidence that would throw light on the manner of Bose's disappearance. There is a reference to the opinions expressed by Gandhiji and Nehru but no mention of what these opinions were based on. The sum and substance of his long statement is that Bose was a great patriot, brave, resourceful and dynamic, and despite repeated professions and declarations to the contrary, the Government of India has, for a long time, believed in his continued existence in the land of the living. The Government was, however, determined to suppress the truth and hamper any objective inquiry into what actually occurred.

8.5 This proved to be a wholly unjustified charge, and there is not the slightest evidence to support it. The motive behind this charge is the political opposition of the Forward Bloc to the party in power, and a number of false and illogical inferences from perfectly innocent acts and official announcements of the Government of India. There is, for instance, the repeated harping on the failure of the Government to file a statement in these proceedings in accordance

with Rule 3 of the Central Commissions of Inquiry (Procedure) Rules, 1960 framed under Section 12 of the Commissions of Inquiry Act, and the failure of the Government of India to place at the Commission's disposal all files, documents and other evidence relating to Bose's disappearance. The matter was discussed by me in my Order dated 2-11-1970 by which I disposed of the petition and the oral submissions made by Shri Amar Prasad Chakraborty in support of the petition. I ruled, by that order, that the terms of reference specifying the scope of the inquiry, clearly implied that the Government had no case to advance or to prove, and this Commission was completely free to determine the truth and submit its report. I also ruled that no case of concealment of evidence had been made out against the Government, and that I would, in due course, call for such files and documents as appeared to be relevant. This is what, indeed, happened. As and when I received information regarding files and documents which could throw light on the subject matter of my inquiry, I sent the appropriate requisition to the Government. The requisition was invariably complied with and all files and documents asked for were made available, except one file which was said to have been destroyed in the ordinary course of routine according to which old and unwanted files are destroyed to lighten the burden of the record rooms. Prof. Guha, however, persisted in his complaint that the Government had not assisted the Commission and had placed impediments in its path and deliberately withheld evidence. I have, at several places, in the course of this report stated that the Government unhesitatingly placed all material in its possession at the Commission's disposal, and whenever necessary obtained material from other countries through its diplomatic channels.

8.6. Prof. Guha has no personal knowledge of what happened to Bose. His knowledge is derived from what he has heard and read. From the information so collected he has argued a case for disbelieving the crash story. His evidence, therefore, is pure hearsay and thus possessed of no probative value. His statement, can no doubt, be used as a kind of clue or pointer which if followed up, may or may not lead to evidence which would be both relevant and admissible according to the law of evidence. But the inferences drawn by Prof. Samar Guha and the reasoning adopted by him are wholly inadmissible, as they constitute nothing but the personal opinion of Prof. Guha which lies beyond the purview of Section 45 of the Indian Evidence Act.

8.7 I shall, however, cite a few instances of the kind of evidence which Prof. Guha relies upon and which led him to the conviction that the entire story

of the air crash on the Taihoku airfield and the subsequent death of Bose is not only false but was deliberately fabricated by the Japanese military authorities. Prof. Guha was shown photographs of Vira Dhammavara and the Mongolian Delegation of Peking and a photograph of the Shaulmari Ashram Baba. Prof. Guha categorically stated that the last photograph was a fake document. Regarding the first two photographs he said that he could not be certain, but he was doubtful if they represented Bose. He went on to say that Surendra Mohan Ghosh had gone to Shaulmari Ashram and met the Baba there. Shri Ghosh had also formed the opinion that the Baba was not Netaji, but Prof. Guha went on to say that there were many circumstances which led to the falsity of the crash story. First there was the delay by the Japanese in broadcasting the news of the crash. He interpreted the delay as proof that the story of the crash was only a cover for Bose's escape to safety. The delay is, however, not susceptible of such explanation and may well have been due to a number of other causes such as the chaotic conditions prevailing at Taipei at that period, the lack of any communication facilities in the hospital in which Bose died, or Japan's preoccupation with more urgent matters.

8.8 Prof. Guha mentioned some documents which he had seen in Japan and East Germany. He, however, was not able to specify the documents, and his statement on this point was extremely vague and inconclusive. He then mentioned an article in the *Pravada* in which it was stated that Bose could not be given asylum in Russia. Prof. Samar Guha did not say that he had read the article himself, nor did he mention the date upon which this article appeared, although from the context it appears that the article was published in 1945. The substance of this article was interpreted by Prof. Samar Guha as a cover because he thought that Russia was friendly towards Bose and so a contrary assertion in the *Pravada* could only be intended to distract attention and provide an alibi for Bose. The inference drawn by Prof. Guha is wholly unjustified. In any event, a copy of the relevant issue of *Pravada* has not been produced, and I cannot hold that such a statement appeared in that paper. Then again, Prof. Guha stated that Gandhiji had said on one occasion that even if somebody showed him the ashes of Netaji, he would not believe that Bose was dead. This statement, even if it was really made by Gandhiji, cannot disprove the crash story. Its contradiction is furnished by Prof. Guha himself when he said that after Col. Habibur Rahman had met Gandhiji and given him the account of the air crash, Gandhiji said: "After meeting Col. Habibur Rahman, I would ask my countrymen to believe what Habibur Rahman said." Therefore, according to Prof. Guha

himself. Gandhiji believed Habibur Rahman's story. Another piece of evidence mentioned by Prof. Guha is an article published in the *Nation*, a newspaper run by Sarat Chandra Bose. This article was printed below the headline "Netaji in China". The article is not before us but whatever may have been written in the *Nation*, does not prove the truth of the facts narrated. Another matter mentioned by Prof. Guha is that when Mr. Nehru paid a visit to the Rankoji Temple in Tokyo, he wrote in the visitor's book: "May the message of Budha bring peace to mankind". Prof. Guha has expressed surprise at the omission of Netaji's name from the remarks written by Mr. Nehru in the book; but the omission does not prove that Netaji was alive or that Nehru entertained an opinion which supported such a hypothesis. Prof. Guha next said that Nehru had on one occasion told Shri K. K. Shah that he did not believe in Bose's death. Shri Shah was examined as a witness by the Commission and he categorically denied that Nehru had made any such remark to him. Another statement made by Prof. Guha relates to Mr. Justice Radha Binod Paul. "Mr. Paul told me that on going through the papers of Japanese documents and others in connection with the War Crimes Tribunal he was convinced that there is no proof of the reported death of Netaji". Mr. Justice Paul, however, never took the trouble to mention the material contained in the documents, nor did he hold any inquiry into the matter. A somewhat vague statement made by him that the matter of Bose's death demands a thorough investigation cannot be interpreted to mean that Mr. Justice Paul was convinced of Bose's continued existence, on cogent material which he had examined or that he had seen any positive disproof of the crash story. Yet another vague statement is attributed to Mr. Ba Maw, formerly Prime Minister of Burma. When questioned about Bose's death, he said: "Yes, myself and Dr. Wang were also reported to have died in a plane crash". Mr. Maw is not alleged to have possessed any first hand information about Bose and a statement of this kind throws no light whatsoever on Bose's disappearance. Again, Prof. Guha claims that Shah Nawaz Khan repeatedly told him that he did not believe in Bose's death. Shah Nawaz Khan himself, however, did not corroborate Prof. Guha on this point, and in his evidence, he expressed his unequivocal belief in the truth of the crash story. In the same way, Prof. Samar Guha says that Hyashida said that he had not carried Bose's ashes to Tokyo. Hyashida in his book *Netaji Subhas Chandra Bose*, however, has clearly mentioned this fact. The book was produced before Shah Nawaz Khan and a copy is also before me. The last piece of evidence to which I shall refer is a copy of the Interpress Report produced by Prof. Guha. This is a German publication, but it cannot be said to throw

any light whatsoever on the subject matter of this inquiry. When Prof. Samar Guha was asked if he had, in the course of his life, met anyone who had personally seen Bose after the date of his reported death, he replied that he had not.

8.9 Mention must also be made of Prof. Guha's well intentioned activity at Taipei during the Commission's visit to that place. He tried to contact individuals possessing first hand knowledge of the events of August 18, 1945, and to discover documentary evidence proving or disproving Bose's death from the records of the hospital where he was alleged to have been treated. No eye witness of the air crash, no member of the hospital staff who had been on duty in August 1945 could be found. The official who was in charge of the crematorium in 1945 was dead, so was the Mayor of Taipei who arrived there some time after August 18, 1945, and who is said to have made some sort of enquiry into the matter. Not that the Mayor's report, if available, would have been admissible in evidence, for it would be nothing more than the opinion of an individual. Prof. Guha, however, succeeded in obtaining copies of two documents, one of which purports to be the death certificate of one Ta Ts'ang Yi Lang (Okura Ichiro), male, born on April 9, 1900, who was an Agent of the Land Forces, Taiwan Army Command, and who died at Taipei at 4 p.m. on August 19, 1945, of a heart-attack. This certificate was issued by Ho T'en Teng Tai Chih (Tsuru Ta Nobori Dai Shi), who was an Officer on Probation, Army Hospital, Army Health Department, Taipei. The other document was a permit to cremate the dead body of the same Ta Ts'ang Yi Lang (Okura Ichiro), who was to be cremated at 6 p.m. on August 22, 1945, at Taipei crematorium, the name of the person to whom the licence was issued could not be deciphered from the photostat copy.

8.10 Prof. Guha, while tendering these documents, stated that both of them related to Bose. Later he argued that since the name and other particulars, stated in the copies, did not correspond with Bose or the doctor who claims to have treated him, the documents could not relate to Bose, and therefore, Bose's death and the cremation of his dead body had been disproved. I have dealt with this self-defeating argument in Chapter Five, and mention it here because Prof. Guha used these documents to make a highly indiscreet statement to the press at Taipei and again on his return to India. This is what he is reported to have told the Press at Taipei on July 17, 1973 :—

"The mission inquiring into the fate of Netaji Subhas Chandra Bose has found no proof whatsoever that he died at Taipei."

Mr. Guha went on to say that some reports by British and U. S. intelligence hinted Bose had escaped from Taipei to the Soviet Union.

8.11. On returning to Delhi, Mr. Guha made several statements to the press, three news-items based on these statements are quoted below :

"NETAJI DID NOT DIE IN CRASH : GUHA
Hindustan Times Correspondent.

New Delhi July 24—Mr. Samar Guha, M.P., who visited Taiwan along with the Netaji Inquiry Commission, told newsmen here today that he found 'no proof whatsoever' of the alleged death of Netaji in a plane crash at Taipei on August 18, 1945.

He said that according to some, a body was cremated but nobody was allowed to see it. The Commission found two certificates, one issued by the Municipality and other by the crematorium authority, but on deciphering the Japanese language, it transpired that the name of the person was not Netaji but of a Japanese Army Officer. This and other facts placed before the Commission made him feel that the reported death of Netaji in the plane crash could not have been possible.

Hindustan Times July 25, 1973"

8.12. It will be seen at once that the report is misleading. The certificates were not found by the Commission, but were obtained by Shri Guha himself who presented them to the Commission alleging first that they related to Bose, and then denying their connection with Bose and arguing that Bose did not die and his dead body was not cremated. He was thus arguing from professedly false premises. I have already dealt with this matter and pointed out that the certificates have no probative value because they do not purport to relate to Bose's death and his cremation.

8.13. Shri Guha made two other statements to the press, one of which was published in the *Statesman* of July 25, 1973 and is in the following terms :

"New Delhi, Tuesday—Mr. Samar Guha, M.P. convenor of the National Committee to assist the Netaji Inquiry Commission, said in a statement today that "Our investigation in Taipei made us feel that there is no valid reason to believe the story of the reported death of Netaji Subhas Chandra Bose in the alleged plane crash in Taipei on August 18, 1945."

8.14. Shri Guha was thus pronouncing final judgement on the subject matter of the Commission's inquiry. The second statement was published by the *Patriot* in its issue of July 24, 1973, which is as follows :

"Socialist leader Samar Guha, yesterday told newsmen that the Commission could not get any conclusive evidence on the INA Chiet's death in an air crash and subsequent cremation of the body."

He said : "On investigation in Taipei in Taiwan made us feel that there was no valid reason to believe the story of the reported death of Netaji Subhas Chandra Bose in the alleged plane crash on 18 August, 1945, the news in relation to which was officially circulated by the then Government of Japan.

"Prof. Guha substantiated his statement by stating that a former airport unit officer of Taipei, Mr. Lin Chwan, who was an employee of the air force hospital in the month of August 1945, told the Commission that he saw a very fair looking, tall Indian in a partially bandaged condition in a single room, sitting most of the time on his bed in a dignified, calm posture.

Mr. Lin said the patient 'disappeared' from the hospital after three or four days.

Prof. Guha said that this report contradicted the official report of the Government of Japan that Netaji was taken to the South Gate Military Hospital where he died.

Prof. Guha said that the evidence recorded by the first inquiry commission headed by Shah Nawaz Khan differed from the facts gathered by the present Commission.

For instance, he pointed out the different dates given in the official version of the death and the records traced out at the Health Department of Taipei. While Tokyo broadcast the date and time of the air crash as 18 August, 1945 at 9 p.m., the Health Department recorded the accident on 19th August at zero hour.

Similarly, Prof. Guha added, while the official broadcast said that the body of the Netaji was cremated, the Health Department and crematorium records contained the names of a Japanese general and some air force personnel as killed and cremated.

According to department rules, no person could be cremated without a death certificate from the department. Since no death certificate was issued by the department in regard to the Netaji's death, the official version could not be taken to be correct, Prof. Guha contended."

8.15. The news report is clearly tendentious and tends to prejudge the issue before the Commission. Prof. Guha did not contradict these reports, and I must accept the news items quoted above as correct reproductions of his statements to the Press. Prof. Guha, by declaring, that the story of the air crash on August 18, 1945, at Taipei and of Bose's death in the course of the next few hours had been completely disproved, arrogated to himself the functions of this Commission by pronouncing judgment on the subject matter of the present enquiry. In judicial proceedings, such a statement would have fallen within the mischief of the law of contempt of Court, and even in these proceedings the statement cannot be described as anything but reprehensible. I, however, decided not to take any action against this mis-guided and ill-advised outburst of Prof. Guha, as I felt that he was prompted not by any malice, but by the excess of his enthusiasm and his superabundant affection for his leader, Bose.

8.16. The sum and substance of Prof. Guha's evidence, therefore, is that he heard various persons expressing, at different times, their disbelief in the crash story. These persons, however, had no personal knowledge of the facts of which they spoke. Their disbelief may have been born of wishful thinking or because no official inquiry into the matter had been made and no judgment pronounced upon all available evidence. Prof. Guha's testimony, therefore, has no probative value whatsoever and does not advance the case at all. Newspaper reports, opinions of individuals who have heard rumours in the streets or who want to believe in Bose being alive are wholly inadmissible. Indeed, the entire statement of Prof. Guha must be held to be inadmissible in evidence though even on its face value it makes no contribution towards the discovery of the truth relating to Bose's disappearance.

(ii)

8.17. Of a totally different character were the antics of Shri Balraj Trikha. I use the word antics advisably, for no other expression would accurately describe the colourful and variegated activity of this advocate at different stages of the inquiry proceedings.

8.18. It was clear on the very first day when

Shri Trikha put in an appearance on behalf of the National Committee as junior counsel to Shri Amiya Nath Bose, that he was acting not so much out of a desire to render assistance in the search for truth, as to advertise his importance and to collect political dividends by exploiting whatever had captured the imagination of the people for the time being. Shri Trikha was, by no means, alone in making an exhibition of himself in this way, though he far surpassed the others both in the manner and the degree of his performance.

8.19. At the very first public session of the Commission, Shri Trikha whose printed letter-heads display his status as Advocate of Supreme Courts of India and Nepal, declared that he had been appointed junior counsel to Shri Amiya Nath Bose on behalf of the National Committee. The next morning he professed to have been briefed by Netaji Smarak Samiti and some Members of Parliament. He did not specify if his new status meant a shift in loyalties or merely an additional burden that had been laid on his shoulders. He then announced his association with the All-India Netaji Swagat Samiti, whose professed objective is to prove that Netaji is alive and to accord him a befitting welcome.

8.20. In a letter he addressed to the Commission on October 28, 1970, he said : "I have been associated with this inquiry as a counsel of the Commission, representing Netaji Swagat Samiti and the National Committee on Netaji Inquiry.....I shall do my best as faithfully as possible to be of real service to the Hon'ble Commission to enable the Hon'ble Commission to come to a finding that Netaji did not die in the Taihoku aircrash as reported earlier in the Shah Nawaz Enquiry report. It is now a historical fact that the Shah Nawaz report was a procured document and it did not inspire confidence in the countrymen."

8.21. At several open sessions of the inquiry he declared that he and the party he represented, would produce Netaji in person before the Commission. This, however, was a promise or a threat which he was unable to carry out. Later he made a complete *volte face*, and tried to represent himself as a wholly impartial individual whose interests and beliefs were those of an objective enquirer into the truth of the matter. He did this because he wished to be appointed the official counsel for the Commission, whose fees would be paid by the Government. His professions were, however, not accepted, and his prayer to be appointed a counsel for the Commission was not acceded to because he had unequivocally championed the cause of the Netaji Swagat Samiti and striven to prove that Netaji was alive.

8.22. He was not beyond uttering innuendoes against the Chairman of the Commission, to gain a modicum of popularity, as the two following instances, among others, will demonstrate.

8.23. Capt. Talwar, formerly of the I.N.A. conveyed to the Commission the name of Col. Raturi, as a possible witness because Col. Raturi was intimately known to him and had commanded a battalion on the front. Acting upon this information the office of the Commission issued a summon to Col. Raturi to appear and testify. Col. Raturi appeared before the Commission on 1-3-1971 and made a statement in the course of which he said that he had believed Habibur Rahman's story and those who disbelieved it were indulging in the exercise of wishful thinking. When Shri Trikha rose to cross-examine the witness, he put to him the following question :

"So, you were called here to make a statement that the story about the death, as given by Col. Habibur Rahman, is correct."

The question clearly contained an insinuation that the witness had been advised to make a certain statement. I was compelled to administer a reprimand to Shri Trikha after calling Capt. Talwar as a witness to state the reason why summons had been issued to Col. Raturi. On another occasion Shri Trikha demanded that the expenses for his journey in Japan should be paid by the Government and if the Commission could not arrange such payments, Shri Trikha would consider that the intention of the Commission was not to allow the counsel to accompany the Commission to afford him the opportunity of cross-examining the doctor who treated Bose and signed a death certificate. I had to tell Shri Trikha that as he was appearing for a specific party, his expenses could not be paid out of public revenues. Shri Amar Prasad Chakraborty, had made his own arrangements for the journey and he was present when the doctor was examined. Shri Chakraborty had full opportunity to cross-examine the doctor. I had to tell Shri Trikha that the insinuation contained in his address was preposterous and quite unwarranted.

8.24. Shri Trikha continued to push himself into prominence, and at one stage, he made the reckless statement that he had met Bose face to face at the Saigon airport. The Commission had proceeded to Saigon, and had held a sitting on 4-11-1971. A day or two later, the Chairman and the staff of the Commission left Saigon. It was then that Shri Trikha claims to have met Bose. He spoke of this to Shri Prem Bhatia, High Commissioner for India in Singapore a few days later, and briefed newspaper

correspondents to publish his claim of having met Bose. A Singapore paper published the news item, but the report was not accepted by the *Statesman* of Delhi as it was considered a false and irresponsible statement. Shri Balraj Madhok, however, made a reference to the Saigon meeting in a speech at the Ramlila Ground in Ghaziabad on 28-11-1971 and this speech was reported in the *Nav Bharat Times*.

8.25. In view of the publicity given to this strange encounter at Saigon, I considered it necessary to call Shri Trikha as a witness, but as soon as summons, for his appearance, were issued, Shri Trikha completely disappeared, abandoning his brief on behalf of Netaji Swagat Samiti and remained absent until the conclusion of the proceedings. Summons were issued to Shri Trikha several times by post and some of them were returned undelivered although the address was the address supplied by Shri Trikha to this Commission. Finally, summons were posted on the door of his residence. Shri Trikha knew that he was required to testify before the Commission, as on one occasion, he was orally informed of the Commission's desire, at one of the sittings. As soon as he was told this he withdrew from the hall and remained absent thereafter.

8.26. I was compelled to call Shri Prem Bhatia as a witness, and Shri Bhatia stated that, in fact, Shri Trikha had made a statement regarding his encounter with Bose, to him and some other persons at Singapore. When the statement was made, the representatives of the *Statesman* and other newspapers, were present. The inference to be drawn from Shri Trikha's conduct is that he made a completely false and irresponsible statement at Singapore. This is a matter which can well be considered as the basis of proceeding against Shri Trikha for professional misconduct, but I refrained from adding this indignity to the reputation he had earned as a reckless and irresponsible member of an honourable profession.

(iii)

8.27. Habibur Rahman was an important witness, in as much as he was the only compatriot, colleague-in-arms counsellor and confidant of Bose who accompanied him on the last lap of his last known journey. He had given evidence before the Committee presided over by Shri Shah Nawaz Khan, and it was natural that he should be called to testify in the course of the present enquiry. He resides in Pakistan, and it was beyond the powers of this Commission to summon him or compel his attendance. A letter of request issued through our High Commission brought

back the reply that Habibur Rahman was not willing to come to India to make a statement, nor would he make himself available for such purpose in Pakistan. He said he had nothing to add to the statement which he had made before the previous Committee. This was unfortunate but there was no means of procuring Habibur Rahman's evidence.

8.28 It has been argued before me that there is no acceptable evidence of Habibur Rahman's refusal or reluctance to appear before this Commission, and the communication received from our High Commission cannot be treated as proof of its contents. Were Habibur Rahman's refusal a matter in issue or something of primary importance, I might have been persuaded to call the official who signed this letter, but I decided, in the circumstances of the case, to treat the letter as an official act performed in the ordinary course of official work and therefore free from suspicion and scarcely needing formal proof. I have no reason for doubting the truth of its contents, nor for suspecting that the official concerned was trying to convey false information, for nothing could be gained by suppressing the truth in this matter. Also, it seemed to be natural enough that Habibur Rahman should not wish to inconvenience himself by undertaking a long journey merely to repeat what he had already said 15 years previously, before another official body. I am, accordingly, satisfied that Habibur Rahman is not willing to give evidence before the Commission. In any event, it is hardly material why Habibur Rahman did not come to testify in this enquiry. The fact remains that he did not come and his evidence is not available to us. At most, his absence can be looked upon as a lacuna or as something missing. The ultimate consequence of this lacuna will depend on the quantum and worth of the evidence adduced. This is not a case in which an adverse inference can be drawn against a party for non-production or suppression of a material piece of evidence, for there are no parties and it is to no one's advantage to hold back Habib's evidence. All that can be said is that an important piece of evidence is wanting, but its absence cannot adversely affect any of the remaining evidence. I have already said enough on the subject and of the Government's attitude towards this enquiry and it is hardly necessary to repeat that the Government had no interest in causing a false report to be made about Habibur Rahman's unwillingness to depose before this Commission.

8.29. Habibur Rahman had made a number of oral statements to a number of persons to whom he narrated his experience and what had happened on the last

lap of the flight in which he and Bose were involved. In December 1945, he was interrogated twice by the police and by the Combined Services Detailed Intelligence Centre (CSDIC). An attempt has been made by Counsel for the Netaji Swagat Committee, for the National Committee and the Bose family to argue that there are several discrepancies and contradictions in the various statements made by Habibur Rahman at different times. From this it must be inferred it was argued, that Habib's story of the air crash is totally false and so it follows that there was no air crash and therefore Bose did not die at Taihoku on the 18th August, 1945.

8.30. The previous statements made by Habibur Rahman are wholly inadmissible in evidence. These statements do not fall under any of the provisions of section 32 of the Indian Evidence Act. Even the statement made before the Shah Nawaz Khan Committee is inadmissible in this case, if for no other reason than that Habibur Rahman was not subjected to any cross-examination and parties and counsel were not represented before the Shah Nawaz Khan Committee. For this reason I do not propose to take into account any of the previous statements made by Habibur Rahman for any purpose whatsoever. These statements cannot be used to support the story of the crash nor to disprove it by invoking the argument that discrepancies prove Habibur Rahman to be a false witness. The statement which Habibur Rahman made to the C.S.D.I.C., however, has a special significance not because of its intrinsic value but because it controverts an argument advanced before me. The argument is to the following effect.

8.31. Shri B. C. Chakrabarty (Witness No. 168) who examined Habibur Rahman and recorded his statement claims to have made a 75 page report. This report was not forthcoming and it was argued that it has been suppressed. The matter has been fully discussed by me when dealing with Shri Chakrabarty's statement and it is only necessary to repeat here that there is nothing in the recorded statement of Habibur Rahman which supports the oral testimony of Shri Chakrabarty that in his report he rejected the theory of the air crash and the consequent death of Subhas Chandra Bose. When Chakrabarty was questioned on this matter all he could say was that Habibur Rahman's statement was the only evidence supporting the crash story and he was somewhat doubtful about the accuracy of Habibur Rahman's evidence. Chakrabarty could have given details of his report but he failed to do so. The report, which is available, cannot be used as primary evidence, and its value is merely to corroborate or contradict Chakrabarty's oral evidence.

as given before this Commission. Indeed, as I have already stated, I decline to accept the story that this report was lost or deliberately suppressed. The file dealing with the C.S.D.C. investigation contains the detailed report submitted on the date mentioned by Chakrabarty, and this clearly is the report falsely alleged to have been suppressed.

8.32 I, therefore, do not purpose to say anything further about the previous statements made by Habibur Rahman except to repeat that these statements have no evidentiary value whatsoever.

8.33 The only other matter relating to Habibur Rahman is that he had sustained some burn injuries and these were seen by a number of persons both in Taiwan and subsequently in India. The statements of those witnesses, who claim to have seen these injuries, corroborate the story of the air crash, but let me say it, once again, not Habibur Rahman's story, which must be treated as non-existent.

(iv)

8.34 It will be recalled that not a few persons claim to have investigated the matter of Bose's disappearance and arrived at certain conclusions. Some of these persons paid visits to Formosa and Japan and their on-the-spot enquiries have been given an altogether undue importance. In effect, the testimony of these persons is nothing more than hearsay and, therefore, wholly inadmissible in evidence. A detailed reference has been made to the evidence of Dr. Satyanarayan Sinha, Shri S. M. Goswami and Shri S. A. Iyer, the last of whom prepared a report which he submitted to Nehru. A word may, in this context, be said about the testimony of Jagdish Chandra Sinha (Witness No. 179). He was a member of the All India Congress Committee, and was elected to the West Bengal Legislative Assembly, in which he sat from 1942 to 1947 and again from 1967 to 1970. At the time of testifying before the Commission he was a member of Senate and Syndicate of the Calcutta University. An individual so loaded with honours and the insignia of respectability merits discussion.

8.35 J. C. Sinha's statement falls into two parts. He claims to have heard Habibur Rahman relate the story of the aircrash and Bose's death on several occasions, and on each occasion the story was in some respects different from the story Habibur Rahman had previously related. These discrepancies led Mr. Sinha to condemn Habibur Rahman as a false witness and reject his story. He also described the result of an on-the-spot inquiry held by him at Taihoku where his plane made an unscheduled halt and then in Japan where he spent about three weeks.

8.36 Mr. Sinha had appeared to make a statement before the Committee presided over by Shri Shah Nawaz Khan, and since his statement made then was, in some particulars, different from the statement made before me, he was asked to explain the discrepancies. He took the very easy way out of the difficulty in which he found himself by saying that his previous statement had been incorrectly recorded and he had signed it without reading it. What he said was, "I had occasion to go through the statement I made before the Shah Nawaz Committee. As soon as it was typed out, it was handed over to me, and in a hurry, I was asked to sign. I had no occasion to go through it."

8.37 This is a completely false statement, and is belied by documentary evidence. On the record of the Shah Nawaz Khan Committee proceedings there is a letter from the witness dated 25th of April, 1956, addressed to the Chairman of the Committee, which is in the following terms:—

"My dear General Saheb,

As per our conversation, I am sending to you my Private Secretary, Shri Hem Chandra Das, for getting the draft type-script of the evidence which I have given this morning before your Committee for correction.

I shall be grateful if you will please hand over to him, who is authorised to take the same on my behalf.

With kindest regards,

Yours sincerely,
J. C. Sinha"

8.38 On the back of this letter is the receipt given by Hem Chandra Das for a "closed over received from the office of the Committee". A perusal of the file of the previous Committee shows that almost all statements were in this manner sent to the respective witnesses, who studied them at leisure, made corrections, signed them and then returned them to the Committee. This is precisely what Shri Sinha also did, and therefore, when he said that he had no occasion to go through his previous statement, he put forward a false explanation of the discrepancies in the two statements he made.

8.39 In any event, the story given by Habibur Rahman to the witness, even if the story varied in some particulars, when related on different occasions does not prove anything. Habibur Rahman is not a witness in the present proceedings and the variations in his statements would have been relevant and admissible only if Habibur Rahman had testified before the Commission and had been confronted with

his previous contradictory statements. Had this happened, Habibur Rahman might or might not have given a satisfactory explanation of the discrepancies.

8.40 With regard to the on-the-spot inquiry at Taihoku, the witness said that he found himself there by chance, because the plane in which he was proceeding to Japan made an unscheduled halt there. The witness had made no reference to this halt in his statement before the Shah Nawaz Khan Committee. The story of the halt at Taihoku is quite unbelievable and his statement that he met the airport officer who told him something that made him disbelieve the story of the air crash is wholly unconvincing. Similarly this inquiry at Japan does not advance the matter further. He prepared no record of this inquiry, he did not even reduce to writing any of the statements made to him and he does not remember the names of the persons who expressed their disbelief of the air crash story. Another matter mentioned by Shri Sinha is that Nehru, on several occasions, expressed to him his disbelief in Bose's death. I am not prepared to accept any of the statements proffered by Shri Sinha and am constrained to dismiss his evidence as a piece of self-advertisement.

(v)

8.41 The Government's initial reluctance to accord sanction to the Commission's visit to Taiwan and the observance of diplomatic etiquette when the Commission held its sittings at Taipei, occasioned a great deal of ill-informed and unjustified criticism of the Government of India. It was argued with a great deal of vehemence that the Government did not contemplate with equanimity the discovery of unpalatable facts, and had, for that reason, not accepted the Commission's first proposal to visit Taiwan. It was only when Shri Samar Guha made a personal appeal to the Prime Minister, and spoke of the dissatisfaction which must be felt by him and by many others if the Commission were not afforded the opportunity of inspecting the scene of the alleged air crash and examining the evidence of witnesses available there, that the Government finally agreed to sanction the Commission's visit to Taipei. But the freedom of the Commission (so it was alleged) was circumscribed by so many directives and inhibitions that the objective of the visit was stultified, even before the Commission set out on its journey to Taipei.

8.42 The spearhead of this criticism came, quite naturally, from Shri Guha who, in the course of a statement to the press which was published on 25th July 1973 in the Delhi edition of the *Statesman*, said: "The Netaji mystery would have been finally resolved

by the Commission if its initiative and freedom of investigation into the circumstances leading to the disappearance of Netaji were not inhibited by the restriction imposed on it by a department of the Ministry of External Affairs." A few days later, the matter was raised in Parliament, and Shri Guha asked a question to which Shri Surendra Pal Singh, Minister of State in the Ministry of External Affairs, said that "no directive was issued to the Netaji Inquiry Commission. In all its enquiries outside India involving contacts with foreign Government agencies, the Commission has functioned with the assistance of Indian Missions located abroad. Taking into consideration the fact that we have no Mission in Taiwan, such assistance was not possible when the Commission visited Taiwan. In view of this, and in view of the fact that we have no diplomatic relations with Taiwan, it was suggested that the Commission may make independent inquiries without enlisting the formal co-operation of any official or non-official body in Taiwan, and make its own arrangements on a private basis. The Commission, in its judgment, decided to accept this suggestion. It is incorrect to say that the Commission's work was hampered in any way by Government."

8.43 The *Delhi Statesman* of August 17, 1973 contained a report of its special representative of a joint statement issued by a number of M.Ps. The statement said: "the objective of the Commission's visit to Taiwan had been practically frustrated by the External Affairs Ministry by the restriction it had placed on the judicial freedom of the Commission. For it was directed not to write to the Government of Taiwan nor to seek direct help from it in matters relating to the inquiry."

8.44 The argument was taken up and repeated by Shri Mukhoty in the course of his final address when he reviewed the evidence gathered by the Commission and discussed its probative value. Referring to the Government's initial hesitation in processing the visit to Taiwan he said: "even at this stage they (Government, of India, are worried over the question whether Your Lordship will like to go to Taiwan for an on-the-spot investigation. Even after 25 years of the so called tragedy they are worried, because to my mind, the truth will be given to your Lordship by the Formosan Government; they want to put shackles on your arms, so that you cannot approach the Formosan Government to give you any report." A little later, he posed the rhetorical question: "Why Your Lordship was not allowed to correspond freely with the Formosan Government, why Your Lordship was not allowed to ask for the report, which they claimed, to have with them as far as this inquiry is concerned?"

8.45 The criticism of Shri Samar Guha and others assumes that a specific directive was issued to this Commission prohibiting it from dealing directly with the Government of Taiwan. This, as I shall presently show not only misrepresents the facts but misconceives the diplomatic procedures which must govern relationship between official bodies of different countries. Even in the case of a country with whom India has diplomatic relations, an official body appointed by the Government, such as the present Commission, cannot correspond directly with the Government or official departments of a foreign country. Such an approach must be made through our Embassy. The Government of a foreign country cannot entertain an official requisition or inquiry, for to do this would be, in a sense, to submit to the authority of a foreign government. Even in Japan with whom India has full and normal diplomatic relations, all correspondence with witnesses and other bodies in Japan was conducted through our diplomatic channels. When the Commission went to Bangkok, it encountered a measure of difficulty because the Thai Government objected to the official Inquiry Commission of a foreign country holding official sessions in their country. They apparently took the view that the Commission would be directly issuing summons and other processes to the subjects of the Thai Government, a position which was not only unacceptable but was wholly untenable because it might have been interpreted as an erosion into the sovereignty of the Thai Government. Our Ambassador in Bangkok had, therefore, to assure the Thai Government that the Commission would be acting like a private body in Bangkok and would not be issuing any writ or letter compelling the attendance of any Thai subject. It was only then that permission was granted to the Commission to hold its sittings in Bangkok. With Taiwan India has no diplomatic relations whatsoever, because the Government of Taiwan has not been recognised by the Government of India. Therefore, there could be no question of any official transactions or official communications between this Commission and any governmental department of the Government of Taiwan. When even in a country where there are diplomatic relations, the Commission cannot, in accordance with diplomatic etiquette, communicate directly with official agencies, the inhibition is all the stronger in the case of a country with which there exist no diplomatic relations and of whose government there is no recognition.

8.46 The Ministry of External Affairs did not issue any directive to this Commission but brought to its notice the diplomatic etiquette in this matter. This was already known to me, and, therefore, I did not find myself constrained by any directive or inhibition.

Even before leaving this country I had informed Shri Guha that since it was his personal appeal which had made possible the visit to Taiwan, the responsibility of producing witnesses before the Commission would be his. Shri Guha accepted the onus and furnished a list of 15 witnesses of Taiwan. I agreed to call them. Apart from this, the Commission had no knowledge of what witnesses would be available. A communication had been received from Pritam Singh (Witness No. 214) who had been a member of the I.N.A. and is now residing in Taiwan. He had offered to produce some evidence having a bearing on the subject matter of the Commission's inquiry, if the Commission visited Taiwan. He did, indeed, give a great deal of assistance to the Commission, and not only did he bring some witnesses who deposed before the Commission but also acted as their interpreter. The Commission was able to inspect the Taihoku Airport and to pay a visit to the crematorium. No other evidence came to the knowledge of the Commission, and the Commission did not learn that the Government of Taiwan had, at any time, held any inquiry into Bose's disappearance in August 1945. There were two or three private institutions which tendered assistance to the Commission. There is, however, no truth whatsoever in the allegation that the Commission's work was hampered because I was unable to communicate directly with any department of government. No direct communication is possible with any official agency in a foreign country.

8.47 The criticism of Shri Guha and others on this score is, therefore, wholly unfounded, and appears to have been motivated by the fact that despite the visit to Taiwan so cherished by Shri Guha, no cogent and reliable evidence about the subject matter of the present inquiry could be discovered there.

(vi)

8.48 Another matter deserving attention is the disposal of Bose's remains. After his death on the night of August 18, arrangements to transport his body to Tokyo could not be made owing to lack of transport. Nor could anything have been gained by postponing the cremation because the top I.N.A. personnel were in disarray and scattered at different places in Burma, Singapore, Bangkok, Saigon etc. The dead body could not be taken to any of these places for a ceremonial funeral because the Allied Occupation Forces were fast taking possession of them. Japan was the safest and the most convenient place. So, the dead body was cremated at Taipei, and the ashes were collected and placed in a wooden casket to await their despatch to Tokyo. Habibur Rahman was recovering from his burn injuries and he was to go to

Tokyo. So, on September 5, 1945, the casket containing Bose's ashes was entrusted to Lt. Col. Sakai (Witness No. 47), Mr. Hayshida (Witness No. 61) and Habibur Rahman, who flew from Taipei to Fukuoka. From there Habibur Rahman continued his journey to Tokyo by air while Lt. Col. Sakai and Mr. Hayshida travelled by train.

At Tokyo S. A. Iyer (Witness No. 29) had prepared the text of the broadcast announcing Bose's death. He had been making enquiries at the army headquarters for news of Habibur Rahman and Bose's remains. On September 7, he was told to come to army headquarters the next morning. That day he saw Habibur Rahman and was handed a small wooden box covered with white cloth which he was told contained Bose's ashes. Iyer was, at that time, staying in Sahay's house. He also knew Ramamurti (Witness No. 76) who was a neighbour of Sahay. Ramamurti had also accompanied Iyer to the army headquarters. The box, after a day or two, was taken to Renkoji Temple where it was deposited and where it has remained ever since.

8.49 This story is narrated by 8 witnesses. The evidence of S. A. Iyer, Ramamurti, Lt. Col. Sakai, A. M. Sahay, Hayshida and Karruppiah (Witness No. 112) is on the whole consistent though there are a few discrepancies about some minor details of the incident. The story of S. A. Virik (Witness No. 92) who was in Tokyo in those days is somewhat different. He said that he alone took the ashes to the Temple. Virik was one of the group of I.N.A. cadets who had been sent to Japan for training. It may be that his memory deceived him after a lapse of more than 25 years when he testified before the Commission. The main story, however, emerges consistently and all the witnesses agreed that the box containing the ashes was taken from Taipei on September 5 and it reached Tokyo on September 7. On September 8, it was delivered to S. A. Iyer and Ramamurti, and then, a day or two later, it was deposited in the Renkoji Temple. It may be recalled that Lt. Col. Sakai was one of Bose's co-passengers. There is no reason for disbelieving these witnesses. I have already stated my reasons for rejecting the hypothesis that the entire Japanese nation and the Indians who appeared as witnesses and deposed to the story of the air crash and Bose's death were in conspiracy to deceive the world. It may be mentioned that despite the loud denials of the genuineness of these ashes, all Indians, including members of Bose's family, who have paid a

visit to the Renkoji Temple, have treated the casket containing the ashes with the utmost reverence. Their attitude is similar to the attitude of Shri Amiya Nath Bose, who, while denouncing the genuineness of the watch he produced, could not even entertain the thought of parting with it, and guarded it as a precious memento of his famous uncle. One is naturally driven to the conclusion that these denials and denigrations proceeded not from any honest belief but from political motives. Mr. Hayshida, when he gave his evidence, made a reference to the ashes, which he took to Tokyo. The incident, as described by him in his book, and before the Shah Nawaz Khan Committee is substantially as deposed to by him before the Commission. One or two discrepancies did find their way into his statement. For instance, before the Shah Nawaz Khan Committee he had stated that when he arrived at the airport, he found Lt. Col. Sakai and Habibur Rahman already present with the box containing Bose's ashes. In his deposition before me, he stated that he had reached the airport before Lt. Col. Sakai and Habibur Rahman. When he was reminded of the previous statement he conceded that the earlier statement was correct and that memory had deceived him after the lapse of 14 years.

8.50 From the evidence discussed above, I am convinced beyond all reasonable doubts that the wooden casket lodged in the Renkoji Temple at Tokyo contains Bose's ashes and these ashes were placed in the box at Taipei after the cremation of his dead body.

8.51 I do not propose to say anything about the valuables or the I.N.A. treasures which Bose was carrying with him on his last journey. This matter was not enquired into, and all that emerged from the statements made by a number of witnesses is that the valuables were scattered on the airfield when Bose's plane crashed. Some of the articles were damaged. Whatever valuables could be collected were gathered and placed in a box which was sent to Tokyo alongwith the casket containing Bose's ashes. This box, too, was entrusted to Ramamurti who, in 1959, handed it to the Indian Ambassador in Tokyo. A suggestion was made by counsel that part of this treasure had been misappropriated by Ramamurti and his brother J. Murti. But there is no satisfactory proof of such misappropriation. This was not a matter specified in the terms of reference given to this Commission, and no useful purpose could be served by pursuing a quest which was not likely to yield anything definite or worthwhile.

NINE FINDINGS

9.1 The conclusions arrived at in the preceding chapters may now be set down as the findings of the Commission.

(i) Bose was informed on August 12, 1945, that the war was about to conclude and the Japanese had decided to surrender to the Allied Forces. He was at that time at Saranban. The message was brought to him there by Negishi (Witness No. 50).

(ii) Bose at once left for Singapore where he discussed his future plans with his colleagues and the Ministers of his Cabinet, almost day and night. The decision was taken on the 14th when Sakai arrived and conferred with Bose. It was decided that Bose himself should leave Singapore and try to escape to Russia where he hoped to find asylum.

(iii) On the morning of 16-8-1945, Bose left Singapore accompanied by Col. Habibur Rahman, S. A. Iyer (Witness No. 29), a Japanese Liaison Officer Negishi (Witness No. 50), Col. Pritam Singh (Witness No. 155) and others. The party arrived at Bangkok at 3.30 P.M. and spent the night there.

(iv) At about 8 A.M. on 17-8-1945, Bose and party left by two planes for Saigon. Bose's party included Col. Habibur Rahman, Deb Nath Das (Witness No. 3), S. A. Iyer (Witness No. 29), Hachia (Witness No. 51), Ishoda (Witness No. 68), Gulzara Singh (Witness No. 153), Col. Pritam Singh (Witness No. 155), Abid Hassan (Witness No. 157) and others. The party arrived at Saigon at 11 A.M.

(v) The planes in which Bose and his party had travelled to Saigon had to go back, and fresh arrangements had to be made for the next stage of the journey. Bose was informed that one seat could be given to him

in a Japanese bomber which had come from Manila and was going to Dairen in Manchuria. The plane, Bose was informed, had, on board, a number of Japanese army officers who had been posted to Manchuria and who could not be left behind.

(vi) Bose was very upset on hearing this, because he wanted to carry all the members of his party with him. Ishoda and Hachia were sent to Dalat where Field Marshal Tarauchi was camping. These two emissaries could not see Tarauchi personally, but his Adjutant told them that it might be possible to make available two or three seats in all for Bose.

(vii) Ishoda and Hachia returned to Saigon and conferred with the pilot of the plane and the Japanese military authorities there. The conclusion was that two seats were placed at the disposal of Bose.

(viii) After some discussion, Bose decided to avail himself of the two seats, and asked Habibur Rahman to accompany him.

(ix) The Japanese bomber left Saigon at approximately 5 P.M. carrying Bose, Habibur Rahman, Lt. Col. Sakai (Witness No. 47), S. Nonongaki (Witness No. 53), Tarokono, Navigator (Witness No. 63), Takahashi (Witness No. 65), the pilot in charge Takizawa, Genl. Shidei, second pilot Ayogi, all three of whom were killed and some others, whose names need not be mentioned. They were the crew and other officers posted to Manchuria, or to Tokyo.

(x) The plane arrived at Touraine at 7.45 P.M. and the party spent the night there.

(xi) On the morning of 18-8-1945 the bomber left Touraine carrying the previous complement of crew and passengers and arrived at Taipei in Formosa at 2 P.M.

- (xii) The party had a snack lunch at Taipei while the pilot attended to a snag, which he declared, had been corrected, after a short while.
- (xiii) The plane took off 2.35 P.M. but within a few seconds one of the engines flew out and the plane crashed near the fringe of the Taihoku airfield. The body of the plane broke into two parts and caught fire.
- (xiv) The pilot Takizawa and Genl. Shidei were killed inside the plane. The rest of the crew and passengers came out, but all of them had sustained burn injuries, two of them viz. Ayoagi and Bose had received very severe burns.
- (xv) The injured persons were carried to the army hospital a few kilometers from the airfield and given medical treatment.
- (xvi) Bose had sustained burn injuries of the third degree and despite the efforts of the doctors to revive him, he succumbed to his injuries the same night.
- (xvii) Of the other injured persons Ayoagi, the second pilot also died.
- (xviii) Two days later, Bose's body was cremated and his ashes were carried to Tokyo in the beginning of September 1945 where they were deposited in the Renkoji Temple.
- (xix) There is no reason for believing that the relations between Nehru and Bose were anything but friendly on a personal basis. Political differences between them did not lessen Bose's great respect for Nehru and Nehru's affection for the younger politician whose patriotism no one questioned.
- (xx) There is not the slightest evidence of any attempt by Nehru to suppress the truth about Bose at any stage or to make false statements about his death at Taihoku on August 18, 1945. His concession to a public demand for enquiry was an instance of his compliance with democratic procedures and not an admission of his disbelief in the truth of the crash story.
- (xxi) The personnel of the Committee appointed by Nehru's government to enquire into Bose's disappearance is ample evidence of his *bona fides*. He appointed Bose's brother, who could be presumed to make an earnest search for truth about his brother and whose appointment would win public confidence. The Chairman was Shah Nawaz Khan, who was a close associate and confidant of Bose and who had taken a very prominent part in I.N.A.'s campaign against the British. Shah Nawaz Khan could, therefore, be depended upon to conduct the enquiry honestly and conscientiously. The third member was Shri S. N. Maitra, a member of the I.C.S. and a Bengali. He was chosen because of his administrative experience, his proved integrity and his attachment to Bose who belonged to his own State.
- (xxii) There is no evidence of any attempt by the present government to withhold evidence or place impediments in the way of this Commission. All documents called for have been supplied and the delay occasioned in making some files and documents available cannot be construed as placing obstacles in the progress of the enquiry. Such delays are a normal feature of government red-tape and pre-occupation with more urgent matters.
- (xxiii) Bose had impressed the Japanese as a great patriot and a competent administrator could win the confidence of Indians in South-East Asia. The Japanese, however, looked upon him not as an equal ally, but as a person whom they could use for their own ends. It was with great reluctance that they allowed Bose to organise the Burma campaign against the British forces. The Japanese, however, did not give adequate assistance to the I.N.A., and despite promises, they did not hand over the occupied territory to the Provisional Government of Azad Hind. An instance in point was the Nicobar and Andaman Islands, the administration of which was not completely entrusted to Maj. General Loganathan, who was sent

as High Commissioner by Bose to take charge of the Islands. All the evidence points to the fact that the Japanese neither had complete confidence in Bose's ability to lead a large army and secure victories over the Allied Forces, nor did they fully trust him. They, nevertheless, had considerable respect for him because they saw that he was a man of remarkable courage and unquestioned patriotism.

(xxiv) The Japanese attitude towards Bose underwent a change when the war concluded. The Japanese were more concerned with trying to retrieve whatever they could of their own resources than with giving large-scale help to Bose which would have proved detrimental to their own interests. Also the blow to their self-esteem was so violent that they became indifferent to Bose and his future plans.

(xxv) The numerous stories about encounters with Bose at various times and various places after 1945, are completely false and unacceptable. They are the result either of hallucination helped by wishful thinking or have been invented by persons who wanted to draw attention to themselves and advertise themselves as public-spirited men.

9.2 The determination of the findings set down above brings this inquiry to its conclusion. Before I take leave of the matter, I must place on record my appreciation of the assistance rendered by the large number of the individuals and organisations who have assisted me at all stages of this long and sometimes arduous undertaking. It is not

possible to mention all names, but I am conscious of a sense of gratitude to many who are not specifically named, but who greatly facilitated my task in India and abroad. The readiness with which witnesses in Japan, Burma, Malaysia, Singapore and Taiwan came forward to give evidence was most gratifying. There are also others who rendered much assistance to me. The counsel appearing in the inquiry deserve my thanks for their courtesy and their sense of duty. I should particularly like to express my appreciation of the assistance rendered by Shri A. P. Chakraborty, who conducted himself completely in accordance with the highest traditions of the Bar, always courteous, always well prepared, always acting with a high sense of integrity and always willing to render real assistance to the Commission. I must also express my gratitude to the late Shri T. R. Bhasin, Counsel for the Commission, whose hard work and impartial summing up were of inestimable value to me. He was ably assisted by his junior Shri S. B. Wad.

9.3 I am beholden to the Commission's staff for their unstinted services at all times and more particularly when the pressure of work subjected them to not a little strain. This strain fell more particularly upon the stenographers and typists who had to work for long hours and type out a voluminous record and a long report. Without their co-operation and help it would not have been possible to conduct this inquiry and complete this report.

JUNE 30, 1974.

G. D. KHOSLA

APPENDIX I

List of witnesses examined by the commission

S. No. of witness	Name of Witness	Date	Place	Volume No.	Pages
(1)	(2)	(3)	(4)	(5)	(6)
1.	Shri Shah Nawaz Khan	16-10-70	New Delhi	I	1—120
		23-12-70	New Delhi	III	799—901
		24-12-70	New Delhi	III	902—975
		27-9-72	New Delhi	XIII	4001—4048
2.	Dr. Satya Narain Sinha	17-10-70	New Delhi	I	121—201
		2-11-70	Calcutta	I	339—405
		3-11-70	Calcutta	II	406—491
3.	Shri Deb Nath Das	19-10-70	New Delhi	I	202—289
		20-10-70	New Delhi	I	290—338
		18-12-72	New Delhi	XV	4308—4388
4.	Shri Suresh Chandra Bose	3-11-70	Calcutta	II	492—513
		17-11-70	Calcutta	II	723—744
		18-11-70	Calcutta	II	751—772
		17-8-72	Calcutta	XII	3603—3625
5.	Shri Kalipada Dey	4-11-70	Calcutta	II	514—543
6.	Shri G. C. Sanyal	4-11-70	Calcutta	II	544—561
		6-11-70	Calcutta	II	562—603
7.	Shri Sasadhar Majumdar	6-11-70	Calcutta	II	604—641
8.	Shri S. M. Goswami	16-11-70	Calcutta	II	642—691
		18-11-70	Calcutta	II	783—798
9.	Dr. B. N. Roy	16-11-70	Calcutta	II	692—722
10.	Shri Samsul Zaman	17-11-70	Calcutta	II	745—750
11.	Shri Ramesh Chandra Chanda	18-11-70	Calcutta	II	773—782
12.	Shri M. L. Sondhi	24-12-70	New Delhi	III	976—1000
13.	Shri Hira Lal Dixit	24-12-70	New Delhi	III	1001—1005
14.	Shri Sajjan Lal Totla	24-12-70	New Delhi	III	1006—1008
15.	Shri Nawal Singh	28-12-70	New Delhi	III	1009—1027
16.	Shri Uttam Chand Malhotra	28-12-70	New Delhi	III	1028—1077
		29-12-70	New Delhi	III	1078—1169
		30-12-70	New Delhi	IV	1170—1247
		25-9-72	New Delhi	XIII	3938
17.	Shri P. S. Lavania	30-12-70	New Delhi	IV	1248—1267
18.	Shri Bhanu Prasad Umashankar Trivedi	30-12-70	New Delhi	IV	1268—1292
19.	Shri Gurbachan Singh	31-12-70	New Delhi	IV	1293—1296
20.	Shri Sharda Prasad Upadhyaya	31-12-70	New Delhi	IV	1297—1298
21.	Shri Sham Lal Jain	31-12-70	New Delhi	IV	1299—1361
		4-1-71	New Delhi	IV	1362—1400
22.	Shri Namvar Upadhyaya	4-1-71	New Delhi	IV	1401—1422
23.	Shri U. C. Sharma	4-1-71	New Delhi	IV	1423—1432
		5-1-71	New Delhi	IV	1433—1452

(1)	(2)	(3)	(4)	(5)	(6)
24.	Shri Brijendra Swaroop	5-1-71	New Delhi	IV	1453—1466
25.	Shri Mahesh Chandra	5-1-71	New Delhi	IV	1467—1472
26.	Shri Raja Ram Dixit 'Neeraj'	5-1-71	New Delhi	IV	1473—1511
27.	Shri Mool Chand Arya	5-1-71	New Delhi	IV	1512—1515
28.	Shri S. C. Sengupta	6-1-71	New Delhi	IV	1516—1634
29.	Shri S. A. Iyer	20-1-71	Bombay	V	1641—1714
		21-1-71	Bombay	V	1715—1767
		18-10-72	Bombay	XIV	4063—4111
		19-10-72	Bombay	XIV	4127
30.	Shri E. Bhaskaran	21-1-71	Bombay	V	1768—1774
		19-10-72	Bombay	XIV	4112—4126
31.	Dr. S. K. Joshi	21-1-71	Bombay	V	1775—1778
32.	Shri Usman Patel	21-1-71	Bombay	V	1779—1783
		22-1-71	Bombay	V	1784—1789
		28-9-72	New Delhi	XIII	4019—4962
33.	Shri S. S. Padheye	22-1-71	Bombay	V	1790—1792
34.	Shri M. A. Jamal	22-1-71	Bombay	V	1793—1795
35.	Shri M. S. Doshi	22-1-71	Bombay	V	1796—1801
36.	Shri R. B. Vermani	22-1-71	Bombay	V	1802—1804
37.	Col. B. S. Raturi	1-3-71	New Delhi	V	1820—1839
38.	Shri Jagdish Kodesia	1-3-71	New Delhi	V	1840—1877
39.	Shri Madan Mohan Prabhakar	2-3-71	New Delhi	V	1898—1900
40.	Shri Ram Surat Ram	2-3-71	New Delhi	V	1901—1912
41.	Col. Mahboob Ahmed	3-3-71	New Delhi	V	1913—1942
42.	Col. Thakur Singh	3-3-71	New Delhi	V	1943—1959
		3-3-71	New Delhi	V	1974—1975
43.	Swami Nirwanananda	3-3-71	New Delhi	V	1960—1973
44.	Shri Hem Raj Batai	3-3-71	New Delhi	V	1976—1978
45.	Lt. Gen. Fujiwara	30-3-71	Tokyo	VI	1983—1993
46.	Mr. Tadashi Ando	30-3-71	Tokyo	V	1994—1999
47.	Mr. Tadao Sakai	31-3-71	Tokyo	VI	2006—2016
48.	Mr. Attur Sain Jain	31-3-71	Tokyo	VI	2000—2005
49.	Mr. K. V. Narain	2-4-71	Tokyo	VI	2017—2049
50.	Mr. Negishi	5-4-71	Tokyo	VI	2050—2061
		8-4-71	Tokyo	VI	2164—2191
		6-4-71	Tokyo	VI	2062—2096
51.	Mr. Hachia	6-4-71	Tokyo	VI	2097—2109
52.	Mr. Koji Takamiya	6-4-71	Tokyo	VI	2110—2146
53.	Col. Shiro Nonogaki	7-4-71	Tokyo	VI	2155—2163
		8-4-71	Tokyo	VI	2147—2154
54.	Mr. Watanabe	8-4-71	Tokyo	VI	2192—2194
55.	Mr. Ahira Kyuru	10-4-71	Kobe	VI	2195
56.	Mr. M. J. Patel	10-4-71	Kobe	VI	2196
57.	Mr. D. C. Gupta	10-4-71	Kobe	VI	2197
58.	Mr. Bhagwandas Mulkhraj Jhaveri	10-4-71	Kobe	VI	2198
59.	Mr. Ram Singh Gulani	10-4-71	Kobe	VI	2199
60.	Mr. Hans Raj	10-4-71	Kobe	VI	

(1)	(2)	(3)	(4)	(5)	(6)
61.	Mr. Tatsuo Hayashida	12-4-71	Tokyo	VI	2200—2225
62.	Mr. J. Murti	12-4-71	Tokyo	VI	2226—2253
63.	Mr. Taro Kono (Major)	13-4-71	Tokyo	VI	2254—2288
		14-4-71	Tokyo	VI	2342—2348
64.	Mr. Koji Asada	13-4-71	Tokyo	VI	2289—2302
65.	Mr. Takashashi	14-4-71	Tokyo	VI	2303—2334
66.	Mr. Shigetaka Sugiura	14-4-71	Tokyo	VI	2335—2341
67.	Mr. Kenichi Sakai	16-4-71	Tokyo	VI	2349—2359
68.	Mr. Suburo Isoda	16-4-71	Tokyo	VI	2360—2401
69.	Mr. Yoshio Ishii (Dr.)	22-4-71	Tokyo	VI	2407—2419
70.	Lt. Col. Masanari Shibuya	23-4-71	Tokyo	VI	2420—2444
71.	Mr. Morio Takakura	23-4-71	Tokyo	VI	2445—2454
72.	Dr. Taneyashi Yoshimi	24-4-71	Miyazaki	VI	2455—2478
73.	Shri T. L. Sasivarna Thever	7-7-71	Madras	VII	2479—2491
74.	Shri R. Srinivasa Iyengar	7-7-71	Madras	VII	2492—2494
75.	Maj. Gen. S. C. Allagappan	8-7-71	Madras	VII	2498—2509
76.	Shri M. Ramamurti	7-7-71	Trivandrum	VII	2510—2529
77.	Shri M. Sivaraman	12-7-71	Trivandrum	VII	2530—2536
		13-7-71	Trivandrum	VII	2542—2545
78.	Shri K. P. Kesva Menon	13-7-71	Trivandrum	VII	2537—2541
79.	Dr. S. Vasava Menon	14-4-71	Trivandrum	VII	2546—2559
80.	Col. (Dr.) B. Ramachandra Rao	9-8-71	Puri	VII	2565—2589
81.	Dr. B. M. Bhuyan	9-8-71	Puri	VII	2590—2593
82.	Lt. Col. (Dr.) B. M. Pattanayak	10-8-71	Puri	VII	2594—2601
83.	Shri Datta Jagtap	23-8-71	Panjim	VII	2602—2617
84.	Shri P. M. Karapurkar	23-8-71	Panjim	VII	2618—2620
85.	Shri S. P. Kathimath	24-8-71	Panjim	VII	2621—2630
86.	Shri Dina Nath	11-10-71	Rangoon	VIII	2631—2638
87.	Shri Zora Singh	11-10-71	Rangoon	VIII	2639—2642
88.	Shri Gautam Bhardwaj	11-10-71	Rangoon	VIII	2643—2645
89.	Dr. Ba Maw	12-10-71	Rangoon	VIII	2645—2648
90.	Shri P. P. Narayanan	14-10-71	Kaula Lampur	VIII	2649—2652
91.	Shri A. K. Chaudhury	14-10-71	Kuala Lampur	VIII	2653—2657
92.	Shri S. S. Virik	14-10-71	Kaula Lampur	VIII	2658—2662
93.	Senator Dato Athi Nahappan	14-10-71	Kaula Lampur	VIII	2663—2665
94.	Datin (Mrs.) Athi Nahappan	14-10-71	Kaula Lampur	VIII	2666—2668
95.	Smt. R. Bhupalan	14-10-71	Kaula Lampur	VIII	2669—2671
96.	Dr. A. N. Ray	15-10-71	Kaula Lampur	VIII	2672—2673
97.	Smt. Anima Ray	15-10-71	Kaula Lampur	VIII	2674—2675
98.	Shri A. Gurupathan	15-10-71	Kaula Lampur	VIII	2676—2678
99.	Smt. Sateevathi Naidu	15-10-71	Kaula Lampur	VIII	2679—2681
100.	Shri K. N. S. Iyer	15-10-71	Kaula Lampur	VIII	2682—2684
101.	Shri K. P. N. Nair	15-10-71	Kaula Lampur	VIII	2685—2686
102.	Shri Xayjour Samy	16-10-71	Kaula Lampur	VIII	2687—2692

(1)	(2)	(3)	(4)	(5)	(6)
103.	Shri Gandhi Nathan	16-10-71	Kaula Lampur	VIII	2693—2598
104.	Shri Chatter Singh	16-10-71	Kaula Lampur	VIII	2699
105.	Shri V. Samy	19-10-71	Singapore	VIII	2700—2701
106.	Shri M. Micheal	19-10-71	Singapore	VIII	2702
107.	Shri Syed Mumtaz Hussain Shah	19-10-71	Singapore	VIII	2703—2706
108.	Shri H. Mohinder Singh	19-10-71	Singapore	VIII	2707—2708
109.	Shri Meharvan Singh	19-10-71	Singapore	VIII	2709—2710
110.	Shri S. Abdual Jabbar alias Jaffar	19-10-71	Singapore	VIII	2711
111.	Shri N. M. Kengaraju	20-10-71	Singapore	VIII	2712—2713
112.	Shri N. Kuruppiah	20-10-71	Singapore	VIII	2713—2716
113.	Shri G. Sarangapani	21-10-71	Singapore	VIII	2717—2718
114.	Shri Kashi Nath Yadav	21-10-71	Singapore	VIII	2719—2720
115.	Shri Sadhu Singh	21-10-71	Singapore	VIII	2721
116.	Shri Hardit Singh	21-10-71	Singapore	VIII	2722—2723
117.	Shri John Jacob	22-10-71	Singapore	VIII	2724—2725
118.	Shri S. Ramanujam	22-10-71	Singapore	VIII	2726—2727
119.	Shri Bhulan Yadav	22-10-71	Singapore	VIII	2728
120.	Shri George Cheah	22-10-71	Singapore	VIII	2729—2731
121.	Shri Chhedi Rai Sharma	22-10-71	Singapore	VIII	2732
122.	Shri P. G. S. Nair	25-10-71	Penang	VIII	2733—2735
123.	Shri Harbans Singh	25-10-71	Penang	VIII	2736—2737
124.	Shri P. S. Patel	25-10-71	Penang	VIII	2738—2739
125.	Shri Joga Singh	25-10-71	Penang	VIII	2740—2741
126.	Shri V. P. Thomas	25-10-71	Penang	VIII	2742
127.	Shri N. K. Menon	25-10-71	Penang	VIII	2743—2744
128.	Shri T. B. Gopal Krishn	25-10-71	Penang	VIII	2745
129.	Shri Balwant Singh	25-10-71	Penang	VIII	2746—2747
130.	Shri Harbans Singh	26-10-71	Penang	VIII	2748—2749
131.	Shrimati Satwant Kaur	26-10-71	Penang	VIII	2750
132.	Shri M. K. Mathu Ramalingam Pillai	26-10-71	Penang	VIII	2751—2753
133.	Shri Lal Singh	26-10-71	Penang	VIII	2754—2755
134.	Shri D. S. Joshi	26-10-71	Penang	VIII	2756
135.	Shri Pratap Singh	28-10-71	Bangkok	VIII	2757—2759
136.	Shri C. Rai Narula	28-10-71	Bangkok	VIII	2757—2759
137.	Shri Ram Lal Sachdeva	29-10-71	Bangkok	VIII	2760—2762
138.	Shri S. T. Mehtani	29-10-71	Bangkok	VIII	2762—2766
139.	Shri Darshan Singh Bajaj	1-11-71	Bangkok	VIII	2767—2768
140.	Shri Ishar Singh	1-11-71	Bangkok	VIII	2769—2772
141.	Shri M. K. Unnithan	1-11-71	Bangkok	VIII	2772—2774
142.	Shri Atma Ram Jain	4-11-71	Bangkok	VIII	2775—2778
143.	Shri S. G. Mehtani	4-11-71	Bangkok	VIII	2779—2780
144.	Shri C. U. Chandiramani	4-11-71	Bangkok	VIII	2782—2793
145.	Shri Abdul Hameed	4-11-71	Bangkok	VIII	2794
146.	Shri Mulka Govind Reddy, M.P.	30-5-72	New Delhi	IX	2814—2842

(1)	(2)	(3)	(4)	(5)	(6)
147.	Shri H. V. Kamath	31-5-72	New Delhi	IX	2843—2881
		1-6-72	New Delhi	IX	2882—2911
148.	Prof. Samar Guha, M.P.	2-6-72	New Delhi	IX	2912—2960
		5-7-72	New Delhi	IX	2982—3001
		29-3-73	New Delhi	XVI	4464—4489
149.	Shri T. L. Sundra Rao	5-7-72	New Delhi	IX	2961—2981
150.	Shri Barun Sengupta	6-7-72	New Delhi	IX	3002—3040
151.	Shri Prakash Vir Shastri	24-7-72	New Delhi	IX	3065—3074
152.	Shri S. R. Mirchandani	24-7-72	New Delhi	IX	3075—3096
153.	Shri Gulzara Singh	25-7-72	New Delhi	IX	3097—3130
154.	Shri Surendra Mohan Ghosh	25-7-72	New Delhi	X	3131—3147
155.	Shri Pritam Singh (Col.)	25-7-72	New Delhi	X	3148—3179
156.	Dr. R. M. Kazliwal	26-7-72	New Delhi	X	3180—3206
157.	Maj. S. Abid Hassan	26-7-72	New Delhi	X	3207—3251
158.	Shri R. C. Iyer	7-8-72	New Delhi	XI	3267—3277
159.	Shri S. K. Uppal	7-8-72	New Delhi	XI	3278—3280
160.	Shri Krishna Murari Lal Saxena	7-8-72	New Delhi	XI	3281—3283
161.	Shri B. N. Mullick	8-8-72	New Delhi	XI	3285—3342
162.	Shri Dwijendra Nath Bose	8-8-72	New Delhi	XI	3343—3391
		9-8-72	New Delhi	XI	3392—3414
		11-8-72	New Delhi	XI	3597—3602
163.	Shri A. Jayaram	9-8-72	New Delhi	XI	3315—3420
164.	Shri A. M. Sahay	9-8-72	New Delhi	XI	3421—3463
		10-8-72	New Delhi	XI	3464—3546
		11-8-72	New Delhi	XI	3547—3571
165.	Shri Aurobindo Bose	11-8-72	New Delhi	XI	3572—3596
166.	Shri Satya Ranjan Bakshi	18-8-72	Calcutta	XII	3626—3648
167.	Shri P. C. Sen	4-9-72	Calcutta	XII	3649—3674
168.	Shri P. C. Chakravarty	5-9-72	Calcutta	XII	3675—3754
169.	Shri Sunil Das	6-9-72	Calcutta	XII	3755—3802
170.	Smt. Ila Pal Chaudhry	20-9-72	New Delhi	XIII	3803—3817
171.	Shri Kamal Guha	21-9-72	New Delhi	XIII	3818—3826
172.	Shri A. C. Das	21-9-72	New Delhi	XIII	3827—3851
173.	Shri Mukund Parekh	21-9-72	New Delhi	XIII	3852—3856
174.	Shri N. D. Majumdar	22-9-72	New Delhi	XIII	3857—3922
175.	Captain L. C. Talwar	25-9-73	New Delhi	XIII	3923—3937
176.	Dr. Pabitra Roy	25-9-72	New Delhi	XIII	3938—3975
177.	Shri Chaplakant Bhattacharya	26-9-72	New Delhi	XIII	3980—4000
178.	Shri K. K. Shah, Governor, Tamil Nadu	10-11-72	Madras	XIV	4128—4132
179.	Shri Jagdish Chandra Sinha	4-12-72	Calcutta	XIV	4133—4141
		6-12-72	Calcutta	XIV	4231—4271
180.	Shri Subosh Kr. Das of Hindustan Standard	4-12-72	Calcutta	XIV	4142
181.	Shri Dhruba Chatterjee of Amrita Bazar Patrika	4-12-72	Calcutta	XIV	4142
182.	Shri Amiya Nath Bose	4-12-72	Calcutta	XIV	4143—4180

(1)	(2)	(3)	(4)	(5)	(6)
183.	Dr. S. N. Dutt	5-12-72	Calcutta	XIV	4181
184.	Lt. N. B. Das	5-12-72	Calcutta	XIV	4182—4189
185.	Dr. Ramesh Chandra Mazumdar	5-12-72	Calcutta	XIV	4190—4217
186.	Shri Amitava Chowdhury	6-12-72	Calcutta	XIV	4218—4230
187.	Shri Shyamal Chattopadhyay (Dr.)	6-12-72	Calcutta	XIV	4272—4287
188.	Shri Brajagopal Mukherjee	6-12-72	Calcutta	XIV	4288—4290
189.	Shri Sangaika of Aizwal	7-12-72	Silchar	XV	4291—4307
190.	Shri Chandra Singh Rawat, M.L.A.	19-12-72	New Dehli	XV	4389—4414
191.	Air Vice Marshal D.A.R. Nanda	20-12-72	New Delhi	XV	4415—4418
192.	Shri Niranjana Singh Talib	20-12-72	New Delhi	XV	4419—4461
193.	Shri Chandra Pardasani	20-12-72	New Delhi	XV	4462—4463
194.	Shri Mubarak Mazdoor	9-4-73	Calcutta	XVI	4495—4517
195.	Shri Pradeep Bose	9-4-73	Calcutta	XVI	4518—4549
196.	Shrimati Malabika Dutta	10-4-73	Calcutta	XVI	4550—4557
197.	Shri Amar Majumdar	10-4-73	Calcutta	XVI	4560—4572
198.	Shri Nikunja Bihari Haoldar	11-4-73	Calcutta	XVI	4574—4578
199.	Major S. C. Kar	11-4-73	Calcutta	XVI	4579—4585
200.	Shri M. Maninder Singh	13-4-73	Moirang (Imphal)	XVI	4586—4589
201.	Shri H. Nilamani Singh	13-4-73	—do—	XVI	4590
202.	Shri Mawu Angami	15-4-73	Nowgang	XVI	4591—4602
203.	Mr. Lai Min Yee	13-7-73	Taipei	XVII	4603—4610
204.	Mr. Tao Yung	13-7-73	Taipei	XVII	4611
205.	Mr. Lin Chun Chan	13-7-73	Taipei	XVII	4612—4617
206.	Mr. Lu Kuo Hwa	13-7-73	Taipei	XVII	4618—4620
207.	Mr. Chang Chuen	13-7-73	Taipei	XVII	4621—4636
208.	Mr. Lin Chuan	13-7-73	Taipei	XVII	4637—4643
209.	Mr. Kao Yun Tsung	14-7-73	Taipei	XVII	4644—4649
210.	Mr. Way Yun Peng	14-7-73	Taipei	XVII	4650—4651
211.	Mr. Lin Chin Yen	16-7-73	Taipei	XVII	4652—4653
212.	Mr. Rama Swaroop	17-7-73	Taipei	XVII	4656—4661
213.	Mr. Y. R. Tseng	17-7-73	Taipei	XVII	4662—4663
214.	Pritam Singh	17-7-73	Taipei	XVII	4666—4674
215.	Ft. Lt. R. Kannan	10-9-73	New Delhi	XVIII	4720—4721
216.	Shri Har Prasad Rai	10-9-73	New Delhi	XVIII	4722—4725
217.	Shri N. K. Gulati	17-9-73	New Delhi	XVIII	4800—4801
218.	Shri D. N. Sharma	17-9-73	New Delhi	XVIII	4802—4803
219.	Shri Prem Bhatia	17-9-73	New Delhi	XVIII	4805—4807
220.	General Wadalia (Varinder Singh)	8-10-73	New Delhi	XVIII	4931—4934
221.	Shri V. P. Nanda	11-10-73	New Delhi	XVIII	4958—4960
222.	Shri Asok Gupta	18-10-73	New Delhi	XVIII	5004—5006
223.	Dr. Lokesh Chandra	19-10-73	New Delhi	XVIII	5013—5029
224.	Shri Vira Dhammavara	30-10-73	New Delhi	XVIII	5055—5059

APPENDIX II

List of counsel who appeared before Netaji Inquiry Commission

S.No.	Name of the Counsel	Party represented	Place	Date(s)	Remarks
1	2	3	4	5	6
1.	Shri Amiyanath Bose	National Committee for Assisting Netaji In- quiry Commission	New Delhi	October 15 & 16, 1970	
2.	Shri R. K. Lala	—do—	—do—	1970 October 16 & 17, 19 & 20. December 28 to 31. 1971—January 5 & 6.	
3.	Shri R. K. Sinha.	—do—	—do—	December 23 & 24, 1970.	
4.	Shri J. P. Mitter	—do—	Calcutta	1970—November 2, 3, 4, 6, 16 to 18.	
5.	Shri A. K. Sen	—do—	New Delhi	November 17, 1973. March 14, 1974.	
6.	Shri Govinda Mukhoty	—do—	—do—	1973 September 10, 20, 24, 26 to 28. October 8 to 12, 15 to 18 & 26. November 2, 5, 12 to 16. December 5, 6, 10, 11, 14, 17, 18 & 22. 1974 January 14 to 19, 21 to 25, 28 to 31. February 1, 7, 8, 13 to 15, 21, 22, 25 & 26.	
7.	Shri Amar Prasad Chakraborty	National Committee and Forward Bloc	Calcutta	1970 November 2, 3, 4, 6, 16, 17 & 18. 1972 August 17 & 18. September 4 to 6. December 4 to 6. 1973—April 9 & 10. 1971—March 30 to April 24. 1971—July 7 & 8. 1971—July 12 to 14. 1971—August 9 & 10. 1971—August 23 & 24. 1972—December 7. 1970 December 28 to 31.	
			Tokyo		
			Madras		
			Trivandrum		
			Puri		
			Panaji		
			Silchar		
			New Delhi		

1	2	3	4	5	6
				1971	
				January 4 & 5	
				1972	
				May 29 to 31.	
				June 1 and 2.	
				July 5 to 7, 24 to 26.	
				Aug. 7 to 11.	
				Sept. 20 to 22, 25 to 27.	
				Dec. 18 to 20.	
				1973	
				March 29 & 30.	
				October 17 to 19, 23 & 25.	
				November 2.	
				1974	
				March 11 to 14.	
8.	Shri Balraj Trikha	National Committee Netaji Swagat Samiti	New Delhi New Delhi	1970—October 16. 1970—October 17, 19 & 20. 1971—January 6. March 1, 2, 3. 1973—Sept. 10 to 14. 1970—November 2, 3, 4 & 6. 1971—March 30 to April 24. 1971—November 4.	
			Calcutta Tokyo Bangkok		
9.	Shri Niharendu Dutt Mazumdar	(i) National Committee (ii) Shri Suresh Bose and members of Netaji's family.	New Delhi Calcutta	1970—October 16, 17, 19 & 20. December 23, 24, 28 to 31. 1971—January 4, 5 & 6. 1973—December 17 to 22. 1970—November 2, 3, 4, 6, 16, 17 & 18. 1972—August 17 & 18. Sept. 4 & 5. December 4.	
10.	Shri P. K. Bose	Shri Suresh Bose	New Delhi Calcutta	1971—March 1 to 3. 1972—September 6.	
11.	Shri Gopi Nath Dixit	Shri Shah Nawaz Khan	New Delhi	1970—December 23 & 24.	
12.	Shri T. R. Bhasin	Senior Counsel for the Commission	New Delhi Bombay	1972—May 29 to 31. June 1 & 2. July 5 to 7 & 24 to 26. August 7 to 11. Sept. 20 to 22, 25 to 28. December 18 to 20. 1973—March 29 & 30. Sept. 10 to 14, 17 to 21 and 24 to 28. October 8 to 12, 15 to 19, 22 to 24, 25, 30 & 31. November 1, 5, 7, 8, 12 to 16, 19 & 20. December 5, 6, 10 to 14, 17 to 19, 1972—October 18 & 19.	

1	2	3	4	5	6
			Calcutta	1972—August 17 & 18. Sept. 4 to 6. Dec. 4 to 6. 1973—April 9 to 11.	
			Silchar	1972—December 7.	
			Imphal	1973—April 12 & 13.	
			Nowgang	1973—April 15.	
			Madras	1972—November 10.	
			Taipei	1973—July 12, 13, 14, 16 & 17.	
13.	Shri S. B. Wad	Junior Counsel for the Commission	New Delhi	1972—July 24, 25 & 26. August 7 to 11. Sept. 20 to 22 & 25 to 28. December 18 to 20. 1973—Sept. 10 to 14, 17 to 21 and 24 to 28. Oct. 8 to 12, 15 to 19, 30 & 31. Nov. 2, 5, 12, 16, 19 & 20. Dec. 5, 6, 10 to 14, 17 to 22 & 27. 1974—January 2, 14 to 17, 19, 21, 22, 24, 25 & 28 to 31. February 1, 7, 8, 14, 21, 22 & 26. March 12 to 14.	
			Bombay	1972—October 18 & 19.	
14.	Shri Ganesh	—do—	New Delhi	1973—October 22, 23, 24 & 26. November 1, 7, 8, 13, 14 & 15.	

Principal points agreed to—dated 30-6-1956 for draft Report

1. It was Netaji's idea to continue the struggle for the liberation of India. This was thought of by Netaji some time before Germany and Japan surrendered and which Netaji had at that time said to a selected few that they would sooner or later lose the war. Netaji also discussed with his Cabinet members about this point.

Since October 1944, when Netaji visited Tokyo, he carried out these intentions of his and attempted to contact the Russian Ambassador, and finally decided to go to Manchuria with that purpose in view.

2. Whether the plane crash did take place? The plane carrying Netaji did crash. There is no other evidence to the contrary; the evidence should be considered carefully and in details.

3. Whether Netaji met his death as a result of this accident? The witnesses support this story. There is no reason why they should be disbelieved. After a lapse of about 10 years, these witnesses, who belong to different walks of life and of different nationalities, Habib an Indian and subsequently a Pakistani and the others, who are Japanese who mostly are unconnected with one another and no longer subordinates of their Government and Japan not being a totalitarian State, would not be expected to state what was not true.

Enquiries made subsequently (1) by British Intelligence teams operating from Delhi and (2) British and American Intelligence teams operating from Tokyo (3) non-official Enquiry appear to corroborate the statements of these eye-witnesses and a few others, who appeared on the scene immediately after.

A person of the status of Netaji as Head of a State, that was not only recognised by Japan, but was helped materially in every way by Japan and *vice versa* was not given the requisite facility and honour due to him, from the very start, viz. by providing a separate plane or seats for him and for all of his associates; treatment in a small hospital with a junior medical officer—Captain; manner of cremation; disposal of ashes etc. all without due honour and respect, viz., full military funeral : body placed on a gun carriage with full military honours etc.

4. **Cremation :**

Preliminaries.—by the 2 doctors and some of the subordinate Hospital staff.

Main evidence.—by (1) Habib (2) Nakamura and (3) Nagatomo—More or less corroborative.

Re : Habib.—oath of secrecy may be argued only.

Re : other two.—no interestedness, so their stories supporting Habib, takes away most of charge against Habib for oath of secrecy; in what way could they be obliged to Habib?

No other suggestion that the body was disposed of in any other manner—So body cremated.

The evidence of the doctors will have to be discussed very carefully, as it will surely be a matter of detailed criticism by eminent doctors throughout the world.

5. **Ashes :** Ashes from the crematorium to Renkoji temple is a long way—first to Nishi Honganji temple; then to Tokyo etc.

There is nothing to show that there was tempering, but to prove that it was definitely those of Netaji, much more stringent measures required by law should have been taken and a different and very strict procedure by way of seals, guards, etc. should have been taken.

In all probability, the ashes could be said to be those of Netaji.

6. **Treasure :**

Comments should be minimum.

Evidence recorded by us should be placed in a guarded manner.

We may state that out of the quantity carried by Netaji, a portion eventually was deposited in the National Archives.

The dropping of the treasure from the plane, its charred and molten condition and identification of some items, would help the report.

We should state that this may be the subject-matter of a separate Enquiry and this Enquiry should start from the complete assets, in cash and kind and liabilities of the Azad Hind Government.

7. Shri Thevar's statements and statements of Shri Goswami:

Their statements should be discussed while dealing with Netaji's death or otherwise and a little more in details separately later on.

Draft by Shri S. N. Maitra.

Draft—10-7-1956.

Discussion, correction and finalisation. 13-7-1956.

Submission to Government of India. 16-7-1956.

S. C. Bose

2-7-1956

Sd/- Illegible.

2-7-1956

Shah Nawaz Khan

2-7-1956

APPENDIX IV
Lists of books referred to

S. No.	Name of the book	
1.	I.N.A. and its Netaji	Major Gen. Shah Nawaz Khan
2.	Unto Him a Witness	S. A. Iyer
3.	Netaji Subhas Chandra Bose	Tatsuo Hyashida
4.	Springing Tiger	U Toye
5.	Gallant End of Netaji	Harin Shah
6.	Netaji Mystery	Dr. Satyanarain Sinha
7.	Netaji in Germany	N. G. Ganpuley
8.	Netaji Mystery Revealed	S. M. Goswami
9.	Netaji Inquiry Committee Report, 1956	
10.	Dissenting Report	S. C. Bose
11.	Chinese Aggression	Dr. Satyanarain Sinha
12.	On the Himalayan Front	Dr. Satyanarain Sinha
13.	China Strikes	Dr. Satyanarain Sinha
14.	I warned my Countrymen	S. C. Bose
15.	Last Days of the British Raj	Leonard Mosely
16.	India from Curzon to Nehru and After	Durga Das
17.	Viceroy Journal	Lord Wavell
18.	Shaulmari Sadhu Hi Netaji (Hindi)	Hira Lal Dixit
19.	Swadhinta Sangram Ke Sainani (Hindi)	Shri Ram Fatchpuria
20.	When Bose was Ziauddin	Uttam Chand Malhotra
21.	Indian National Congress Resolutions	March, 1940—September, 1946
22.	Everest Is It Conquered	S. M. Goswami

By Speed Post.

JUSTICE MUKHERJEE COMMISSION OF INQUIRY
FOR INQUIRY INTO THE ALLEGED DISAPPEARANCE OF
NETAJI SUBHAS CHANDRA BOSE.
'B' Block, (Third Floor)
11/A Mirza Ghalib Street, Calcutta 700 087

Phone:

Chairman -- 216-2835
Secretary -- 216-2767
Officer on
Special Duty -- 216-2765
Office -- 216-2765/68

No. JMCI/Meeting-Proceedings (Follow Up)/ Calcutta, dated, the 3rd January' 2001.
48 (Vol.II)/439(7)

From : Shri P.K. Sengupta, WBHJS (Retd.),
Secretary

To : Secretary,
P.M.'s Secretariat,
South Block,
New Delhi- 110001.

Sub : Strict compliance with the orders/
directions contained in the proceedings
dated 22.12.2000 read with the proceedings
dated 23.03.2000, 13.06.2000, 31.08.2000,
28.09.2000 and 23.11.2000, of Justice
Mukherjee Commission of Inquiry.

S i r,

I am sending herewith a copy of the proceedings
dated 22.12.2000 (Sixth) of the Commission containing
its orders and directions for your perusal and compliance
thereof as directed by the Commission.

Copies of the earlier proceedings of the Commission
were duly sent to your office in the past.

Yours faithfully,

(P.K. Sengupta)
Secretary

Encl. As stated above.

We should keep
a watch on issues
relating to us
as
5/11

US (pol) 8/11
4163/05(5)79
5/11

one copy may be
given to US (NGO)

Mo Sen.
one copy sent to Mrs
8/11

85/SCA/2001
5/1
SECY. TO P.M.
DY. No. 87-01
DATE 5/1/01

5010/DIR/AN/C.

0091-033-216-2765

e-mail : jmcinscb@cal3.vsnl.net.in

JUSTICE M.K. MUKHERJEE COMMISSION OF INQUIRY

Proceedings dated 22.12.2000 (Sixth)

Held at the Seminar Hall, Annexe Building, Mahajati Sadan,
166, Chittaranjan Avenue, Calcutta 700 007

A. EXAMINATION OF WITNESSES

December 22, 2000

I. Dr. Purabi Roy (C.W.10), who was examined in part on the last date of hearing (November 23, 2000), has been examined further. In course of her examination she has produced 55 documents in 26 folders along with a list thereof and those documents have been marked Z, Z_(a), Z₁, Z₂ to Z₁₆, Z_{16(a)}, Z₁₇ to Z₂₆, Z_{26(a)}, Z₂₇, Z_{27(a)}, Z₂₈ to Z₄₇ and Z₄₈ (three documents collectively) for identification. On conclusion of her examination Shri Jayanta Roy has been examined on oath (C.W.11). Thereafter, Shri V.P. Bhatia, an Under Secretary to the Government of India, Ministry of Home Affairs has been examined (C.W.12). In course of his examination, he has identified the documents referred to in paragraph 3(b)(i) of the order dated September 28, 2000, (papers relating to the Khosla Commission of Inquiry) and proved that those documents have been produced from proper custody. The other witness, Smt. Prava Jagannathan, to whom summons was sent by registered post at the address available on record, is neither present nor has the A/D Card been received. On receipt of the same, appropriate orders will be passed. Till her present correct address is made available, the question of resummoning her does not arise.

II. Shri Samar Guha, who has been cited as a witness in more than one affidavit filed before the Commission, is now seriously ill and bed-ridden. He has, however, expressed his willingness to be examined as a witness at his residence. Accordingly, his examination on commission has been fixed on January 10, 2001 at 1.00 P.M. at his residence at 8/2, Central Park, Jadavpur, Calcutta 700 032. The parties/Advocates present, have been intimated about the venue, date and time of his examination.

III. Mr. Keshab Bhattacharya, learned Counsel appearing for the deponents in JMCI/19/2000, filed an application on December 21, 2000 alleging that certain questions put by him to Shri Suman Chattopadhyay (C.W.6), and the answers given by the latter thereto have not been recorded; and he has, accordingly, prayed for incorporating those questions and answers in the deposition of Shri Chattopadhyay. While it is true that Mr. Bhattacharya did put some questions to Shri Chattopadhyay and the latter gave answers, both the questions and the answers were disallowed as irrelevant. The application filed by Mr. Bhattacharya is, therefore, rejected.

B. RE: HEARING ON THE QUESTION OF PRIVILEGE

IV. After completion of the examination of the witnesses present, Mr. Tarakeswar Pal, learned Counsel appearing for the Government of India, starts making his submission in support of the two applications filed by Shri Kamal Pande, Secretary to the Government of India, Ministry of Home Affairs and Shri Jarnail Singh, Joint Secretary in the Prime Minister's Office, claiming privilege in respect of the contents of the documents referred to in their respective applications. On the prayer of Mr. Pal, and of the other learned Counsel/parties, further hearing on the above question is adjourned till the next sitting of the Commission.

V. In compliance with the order as contained in paragraph 6(ii) of the Proceedings dated November 23, 2000, Shri D.C. Vajpai, Commissioner of Police, Calcutta and Shri A.K. Sen Deputy Inspector General of Police, I.B., West Bengal (since retired), have submitted their explanations. Considering their explanations it is felt that no further action need be taken in the matter.

C. OTHER MATTERS/ORDERS

VI. The attention of the respective Ministries/Offices is once more drawn to the directions contained in paras B.1, B.4, B.5 and B.7 of the order dated November 23, 2000. Last chance is given to the respective Ministries/offices to comply with the same by January 31, 2001, failing which, appropriate legal action will be taken against the officers concerned for wilful non-compliance with the said orders/directions.

D. NEXT HEARING

VII. The next hearing of the Commission will be held on January 17, 2001 at 11.00 A.M. in the Seminar Hall of Mahajati Sadan, Annexe Building, 166, Chittaranjan Avenue, Calcutta – 700 007 which shall be confined to the issue of privilege claimed.


(M.K. Mukherjee)
Chairman.

MOST IMMEDIATE
OUT TODAY

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153

No. I-12014/13/2000-IS (D.III)
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

New Delhi, the 11th January 2001

OFFICE MEMORANDUM

Sub:- Justice Mukherjee Commission of Inquiry- regarding.

The undersigned is directed to say that in the proceedings in its sitting on 28.09.2000, the Commission inter alia directed production of the following documents :-

- (i) A xerox copy of the letter said to be sent by General Chiang-kai-Sheikh to Pandit Jawaharlal Nehru about an inquiry reportedly made by the Government of Nationalist China at Taipei regarding the alleged plane-crash involving Netaji alongwith a xerox copy of the said inquiry Report; and
- (ii) A xerox copy of the report dated 31.12.1945 of Shri B.C.Chakravarty (Witness No. 168 before Justice Khosla Commission of Inquiry) on alleged air-crash and alleged death of Netaji Subhas Chandra Bose which was counter-signed by Col. Stevenson and sent to the CSDIC as referred to in the published report of the Commission.

2. We have made efforts to search these documents in the records of this Ministry but could not lay our hands on any such document. We are required to file a supplementary affidavit relating to these two documents before the Commission. Before any committal position is stated in the supplementary affidavit, it is requested that efforts may please be made in the Prime Minister's Office to see if letter/documents mentioned above are available in that Office.

3. Since the supplementary affidavit is to be filed before the next sitting of the Commission on 17.01.2001, it is requested that the result of the efforts to locate these two documents in the Prime Minister's Office may please be communicated to this Ministry at the earliest.

V.P. Bhatia

(V.P.BHATIA)

Under Secretary to the Govt. of India

Prime Minister's Office
Smt. Archana Ranjan, Director
South Block
New Delhi

P-1/N
-SMD.6/C-

Pl. check

Ch 12/1

us (Pol)

Pl. try to locate the documents no (i) & (ii)

URGENT

12.1.01

Mr Sen

50331016/1/4

(6)

MOST IMMEDIATE
By Special Messenger 154

No.915/11/C/2/2000-POL
PRIME MINISTER'S OFFICE

New Delhi

DT. 15.01.01.

OFFICE MEMORANDUM

**Subject: Justice Mukherjee Commission of Inquiry –
Regarding.**

SM-5/C

The undersigned is directed to refer to MHA O.M. No.I-12014/13/2000-IS(D.III) dated 11.1.2001 on the subject noted above and to state that as no specific date has been indicated for the letter of General Chiang-kai-Sheikh to Pt. Nehru and whether it was before or after 15.8.1947. However, our effort to locate files relating to the incident of alleged Air crash at Taipei has not been successful.

The other document in question i.e. the report dated 31/12/1945 of Shri B.C. Chakravarty also could not be located in this office.


(Alok Mukhopadhyay)
Under Secretary

(Shri V.P. Bhatia)
Under Secretary, IS(D.III)
Ministry of Home Affairs,
North Block,
New Delhi.

mt
15/11

NETAJI PROBE & RESEARCH FOUNDATION

28, Gurudwara Rakab Ganj Road

New Delhi - 110 001

Phone : 3352273, Telefax : 3714131

January 12, 2000

Shri Atal Bihari Vajpayee
Prime Minister of India
South Block
Central Secretariat
Government of India
NEW DELHI- 110 011.

Sir,

Jai Hind.

We, the followers of Netaji Subhas Chandra Bose, are grateful to your government for accepting our demand of appointing a Commission of Inquiry to probe into the disappearance of Netaji Subhas Chandra Bose. We appreciate the decision of the Government of India to make the terms of reference of the Inquiry Commission so comprehensive as to cover almost all the aspects of mystery.

We earnestly appeal to your goodself to look into the following points:-

- a) The role of the government, in solving the mystery surrounding Netaji's disappearance, has not come to an end with the appointment of another Inquiry Commission, rather it has just begun. It is the duty of the Government of India to take the process of inquiry to its conclusive end by extending every possible help in the completion of the inquiry.
- b) The Government of India, through the actions like that of voluntarily declassifying the classified documents, make it clear that it's political will is completely behind the Inquiry Commission.
- c) All the documents relating to Netaji and I.N.A., in the various Ministries and Agencies of the Government of India; and the Ministries and Agencies of all the States, should be declassified and made available to the Commission of Inquiry.
- d) The Government of India should write to the Government of the countries like England, Holland, Russia, and Commonwealth of Independent States, Germany, Japan, U.S.A., Taiwan, China, Erstwhile Indo-China, Myanmar, Ireland, Bangladesh, Pakistan, Afghanistan, other countries of the Europe and South East Asia to declassify the documents related to Netaji and I.N.A.

P.S. Kupp
Mr. Sun Am
17/1

156/PM/11/12/2000
1371

- e) The documents to be declassified by the Governments of other countries should be made available to the research scholars of Netaji Probe and Research Foundation; or the research scholars of Netaji Probe and Research Foundation should be allowed and assisted to go abroad to study all such declassified documents. In this context we would like to draw your kind attention to the case of scholars of Asiatic Society who had gone to Russia for studies and research. Unfortunately they have not been allowed to complete their projects. It is requested that they should be allowed to complete their projects, and helped in having access to the documents in the archives of that country.
- f) Since Netaji Probe and Research Foundation is a widely representative body comprising the members of Netaji's family, I.N.A. people, renowned research scholars, ardent followers of Netaji and the All India Forward Bloc, it should be formally recognised by the Government of India, and associated with the Inquiry Commission.

We hope that your goodself will favourably consider these submissions in the true spirit.

Besides, the above points, we would like to bring to your kind notice some more facts which have been described in the *Annexure* to this letter.

Thanking you,

In anticipation,

Shri D.B. Kalmankar

Chairman,
Netaji Probe and Research Foundation; and
Chairman, Legislative Council, Karnataka.

Shri Joyanta Roy

Member of Parliament

Shri Subrata Bose

Convener, Finance Committee,
Netaji Probe and Research Foundation;
and Nephew of Netaji Subhash Chandra Bose,
S/o. Late Sh. Sarat Chandra Bose.

Shri Sitanshu Das

Research Scholar, and
Former Editor of The Indian Express,
The Patriot & The Tribune.

Yours faithfully,

Debabrata Biswas

Member of Parliament
General Secretary,
Netaji Probe and Research Foundation;
and General Secretary, All India Forward Bloc

Dr. Chitra Ghosh

Convenor, Research Committee
Netaji Probe & Research Foundation;
and Niece of Netaji Subhas Chandra Bose.

Shri Subodh Markandeya

Research Scholar and
Barrister of Supreme Court.

Shri V.P. Saini

Public Relations and Publicity Secretary,
Netaji Probe and Research Foundation; and
Chairman, Netaji Research Foundation.

ANNEXURE

THE COMMISSION OF ENQUIRY ANNOUNCED ON THE 14TH MAY, 1999, TO INVESTIGATE, UNDER THE COMMISSION OF INQUIRY ACT OF 1952, VARIOUS ASPECTS OF THE DISAPPEARANCE OF NETAJI SUBHAS CHANDRA BOSE IN 1945

....

The Netaji Probe & Research Foundation (which has its Central Office at 28, Gurudwara Rakabganj Road, New Delhi - 110 001; Camp Office: 52/7, B.B. Ganguly Street, Calcutta-700 012), welcomes the Government of India's decision to constitute a Commission of Inquiry headed by Mr. Justice Monoj Kumar Mukherjee to investigate all facts and circumstances related to the "*disappearance*" of Netaji Subhas Chandra Bose in 1945 "*and subsequent developments therewith*". We note that the Justice Mukherjee Commission has been constituted under the Commission of Inquiry Act, 1952 (60 of 1952). This decision of the Central Government of India was notified on 14 May, 1999, in Part 11, Section 3, Sub-section (i) & (ii) of the Gazette of India, Extra-Ordinary of 14 May, 1999 (vide Notification No.Notfn/010/99/JMCI published in the newspaper, The Telegraph, Calcutta). Suggestions for a comprehensive investigation and a full report on what happened to Netaji Subhas Chandra Bose after the surrender of Japan to the Allied Forces in August, 1945 have been repeatedly made over many years by many sections of Indians in many parts of the country. We, therefore, appreciate the decision of the Council of Ministers headed by you to appoint an Inquiry Commission under the Commission of Inquiry Act of 1952.

2. Netaji Subhas Chandra Bose was one of the greatest leaders of India's long freedom struggle, he represented a set of far-reaching policies of political and economic reforms for the preservation of India's post-independence territorial integrity and social and economic modernisation. In August 1945, and the time of his "*disappearance*" on a certain date of August 1945 he was Head of State of the Provisional Government of Free

India and Supreme Commander of the Armed Forces of that Provisional Government, the Indian National Army.

3. In the final months of India's freedom movement during the period, August 1945 to August 1947, the leadership of Netaji Subhas Chandra Bose was not available to his compatriots. This fact made a fundamental difference to the direction India's political developments took during this crucial period. Many Indians are of the opinion that the political, social and economic developments in India would have taken a more constructive direction had Netaji Subhas Chandra Bose been one in the ^{collegium} ~~collegian~~ of Indian leaders which took momentous decisions affecting the future of undivided India in 1946-47. The removal of Netaji Subhas Chandra Bose occurred at a time when the then Government of the United Kingdom, recognising the implications of the changed post-war circumstances of India, Britain and the World, generally, decided to commence talks for the transfer of power to elected Indian leaders. The outcome of these talks was decisively influenced by the absence of Netaji Subhas Chandra Bose in the ^{collegium} ~~collegian~~ of Indian leaders who took part in post-war constitutional talks with the plenipotentiaries of the Government of the United Kingdom on one side and with the leaders of non-Congress Indian political formations on the other. There is no doubt that Netaji's absence weakened the Indian nationalist leadership. Netaji's absence also meant that India's national leaders did not have at this critical juncture at their disposal a reliable administrative machinery and a loyal military force at a time when organised killings of undefended civilian populations on a large scale forced the nationalist leaders to accept in haste a long-term decision on dismemberment of undivided India. Reviewing the developments in undivided India in 1946-47, with historical objectivity, it would be difficult to avoid the conclusion that the Indian nationalist cause was undermined and defeated by the fact that Indian leaders did not have at their command an administrative machinery and an armed force with which they could have defended defenceless innocent people from the depredations of organised armed bands whose atrocities forced on Indian leaders a far-reaching decision. Netaji, alone among all nationalist Indian leaders, at that point of time was in a position to offer India's nationalist leaders an administrative machinery which was not

controlled by the colonial government. He also, if required, could have fielded then at least two divisions of an experienced armed force which had been sworn to defend India's civil society and territorial integrity. Seeing the happening² of 1945-47, there is ample justification for the conclusion that Netaji's disappearance or removal from the scene during a decisive period in India's history undermined the undivided country's capacity to defend its territorial unity and its age-old inter-community symbiotic harmony and cohesion. In the affairs of nations, the adequacy of leadership available at decisive turns makes a fundamental difference to the future of these nations.

4. The investigation entrusted to the Justice Mukherjee Commission is thus of immense historical and political importance to India and the countries of the Indian sub-continent, because the removal of Netaji Subhas Chandra Bose from the scene altered the course of history of the South Asian region. This apart, Indians as a people have long wanted to know all facts about what happened to a relatively young leader whom they loved and respected. His popularity transcended all distinctions of communities and ethnicity of the Indian people.

5. More than fifty four years have elapsed since Netaji was said to have succumbed to injuries received in an aircraft accident on the Island of Formosa(Taiwan). Netaji's movements immediately preceding this reported event and what followed thereafter form the subject of the Commission's Inquiry. To begin with, the Government of India, unimpeded by any restriction or reservation concerning the release of secret official documents, should make available to the Commission all records, reports, files and information which are available on Netaji Subhas Chandra Bose, the Provisional Government of Azad Hind and the Indian National Army. These should thereupon be carefully examined by a team of scholars and archivists appointed by the Commission to help the investigation the Commission has undertaken. This team's work would continue on a day-to-day basis before it submits its comments and findings to the Commission. The findings of such a team, when expeditiously offered, can help the Commission; but these

will be treated as one of several sources of information which the Commission would receive but not necessarily accept.

6. At the same time the Commission would be well within its rights, to ask the Government of India to urgently request the Governments of Japan, Britain, the USA, Malaysia, Singapore, Vietnam, the People's Republic of China, the Russian Federation and Taiwan to extend unstinted cooperation to the Commission of Inquiry by making fresh efforts to identify and locate documents, reports and information which may throw light on Netaji Subhas Chandra Bose's activities and movements in the months preceding the surrender of Japan to the Allied Forces in August 1945 and in the period immediately following the conclusion of the War in the Asia-Pacific region.

7. Given the international circumstances of the relevant period which the Commission would be examining with extreme care, the co-operation of the above-mentioned Governments should be most urgently and immediately solicited by the Government of India through the Ministry External Affairs. Official secrecy laws employed in respect of government records and information, after the lapse of longer than fifty four years, can not apply to these documents. Without such documents as are still with the foreign government, the Commission cannot complete a comprehensive investigation.

8. Considerations of how the release of these documents might affect certain countries' good relations with other countries can also be satisfactorily met. The Ministry of External Affairs might suggest, if such a suggestion is considered necessary, that such information available with the foreign governments as might still affect the latter's good relations with other countries could be conveyed to the Commission in sealed covers only for the perusal by the Chairman of the Commission and none else, with a solemn assurance given by the Government of India that such sensitive documents would be sealed again by the Commission and returned unopened by the MEA to the concerned foreign governments.

9. Bearing in mind that the lapse of time has removed persons who had personal knowledge of Netaji's decisions and the steps he took in the relevant period, the Commission would probably depend very largely on such documents and reports as are made available to the Commission. It is thus a matter of utmost importance that the National Archives of India makes a proper index of all available records having a bearing on the subject of the Inquiry in the possession of the various government agencies and the Ministries. All such records should be preserved. It is known that many government records of the period have been tampered with or are missing from the files.

10. The Ministries of External Affairs and Defence should transfer the records of the two world wars to the National Archives and the Government should immediately undertake the preparation of an index. However, the preparation of index should not delay the Commission's work, and these should be made available to the Commission as and when these are required by the Justice Mukherjee Commission.

11. The Government of India should make a ^{special} ~~social~~ effort to make available to the Commission the following documents. The security and intelligence reports on Netaji Subhas Chandra Bose in the possession of the British Government which has not, with the permission of the Lord Chancellor of the U K Government, placed them in the Library of India Office in London or the Public Record Office in London. A report on the south-east ^{Asia} command prepared by a military intelligence officer (whose surname, to the best of our knowledge, is Figgers) should be made available to the Commission. The reports of another two British intelligence officers (whose surnames, to the best of our knowledge, are Finney and Daries) who had investigated the disappearance of Netaji Subhas Chandra Bose and the operations of the INA should be traced and presented to the Commission. The archives of the MEA might have these reports. The US secret operations agency, OSS, was probably the first to investigate the alleged Taihoku airport aircraft crash. The US Government archives might have a finding on the reported accident. This should be obtained.

12. The Japanese Foreign Office's Inquiry report on the Taihoku air crash should be obtained through the good offices of the Government of Japan.

13. Some Indian scholars have reported the existence of secret reports in the archives of the former USSR Government. Recalling that the former USSR, and the Third Communist International, which had its headquarters in the Soviet Union, had long and intimate contacts with Indian leaders of various persuasions, and Subhas Chandra Bose had tried to establish contacts at the highest levels of the Soviet Government during the Second World War, the Government of India should request the successor/Government of the Russian Federation to make available for the inquiry by the Commission all documents, records and information as are in the possession of the various agencies, archives and non-official organisations in the Russia Federation to facilitate the work of the Mukherjee Commission.

14. In the end, while thanking the Government of India for constituting the Commission of Enquiry, we reiterate the importance of providing the Commission with all records and information, whether available in India or in the possession of foreign governments, to make this investigation a truly conclusive one.

15. History demands that the Government and the country should make all efforts to unearth the facts of these fateful years. In the past, we were remiss in our duty to history and to posterity. Let us not fail again.

16. We should approach this investigation with an open mind, without any predisposition towards a conclusion - until the Commission has completed a truly comprehensive enquiry, recorded its findings, and these have been made public.

B. B. Sahasrabudhe

[Signature]

[Signature]

12.01.2000

(U.P. SAINI)

Chhatrabhai

Chhatrabhai

P. T. Sankar

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(8)

No.915/11/C/2/2000-Pol(Vol.I)
PRIME MINISTER'S OFFICE
SOUTH BLOCK
NEW DELHI-110011.

Dated: 16.01.2001

To

Shri P.K.Sengupta, WBHJS(Retd.),
Secretary,
Justice Mukherjee Commission of Inquiry,
"B" Block/Third Floor,
11A, Mirza Ghalib Street,
KOLKATTA-700087.

Subject:-Compliance with the orders/directions of the Hon'ble Commission-
intimation of present status.

Sir

-SNO. 60-A/C

-60/C

In continuation of this Office letter of even number dated 29.11.2000, on the above subject, I am directed to inform the Hon'ble Commission that since the filing of the Affidavit dated 29.11.2000 by Shri Jarnail Singh, Joint Secretary in this Office, with the Commission on 30.11.2000, the National Museum have conveyed that they have no objection to declassification of their papers and those papers being made public by the Commission. As such, this Office has also downgraded its notes on PMO files relating to the subject matter, to Confidential. However, it is left to the discretion of the Commission to make all/any of these declassified documents, public.

-72/C-

2. With regard to the classified papers pertaining to the Orissa Government, it may be stated that this Office is in touch with the State Government to get their views about declassification of the relevant documents expedited.

3. Upon receiving the views of the Orissa Government, this Office would file a supplementary consolidated affidavit in respect of the two matters mentioned above, at appropriate level, articulating our stand with regard to the notes/correspondence, available on PMO files, in due course.

Yours faithfully,

(ARCHNA RANJAN)
Director



Copy given to Govt. Counsel at Calcutta.
19/1/01
Photocopy retained in NAO pl.

(9)

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No.915/11/C/2/2000-Pol(Vol.I)
PRIME MINISTER'S OFFICE

**SOUTH BLOCK
NEW DELHI-110 011
Dated: 16.1.2000**

To


**Shri Tarakeshwar Pal,
Senior Central Government Counsel,
Bar Association Room No.5, High Court Kolkatta,
Kolkatta.**

**Sub:- Filing of Supplementary Affidavits before Justice
Mukherjee Commission of Inquiry appointed to enquire
into the alleged disappearance of Netaji Subhash
Chandra Bose.**

Sir,

I am directed to enclose herewith a Supplementary Affidavit, duly signed by Shri N.K. Singh, Secretary to PM claiming privilege in respect of the documents in possession of the Prime Minister's Office and in respect of the documents for which the Ministry of Home Affairs have already claimed privilege. This is with reference to the discussions you had with the undersigned and Shri P.S. Lally, Under Secretary in the PMO in the 1st week of January, 2001. You may like to take further necessary action in the matter, at your end.

Yours faithfully,


(ARCHNA RANJAN)
Director

*Recd.
Jammal
17.1.2001*

*Photocopy retained
in N.H.S. pl.
13/1/01
— Pot.*

BEFORE THE HONOURABLE JUSTICE MUKHERJEE
COMMISSION OF INQUIRY AT CALCUTTA

IN THE MATTER OF COMPLIANCE WITH THE
ORDERS/DIRECTIONS OF THE COMMISSION AS PASSED IN
THEIR PROCEEDINGS HELD FROM TIME TO TIME AT
CALCUTTA.

SUPPLEMENTARY AFFIDAVIT

I, Nand Kishore Singh, son of late Shri T.P.Singh, working as
Secretary in the Prime Minister's Office, do solemnly affirm and state
as follows:-

1. That (as already stated in the Affidavit dated 29.11.2000 signed
by Shri Jarnail Singh, Joint Secretary in this Office and filed with
Commission on 30.11.2000) with regard to the documents which had
originated from the Ministry of Home Affairs, that Ministry is of the
view that the documents listed in Annexure-I dealing with the
following issues may be continued to be classified:

- a) Controversies regarding Netaji's death and bringing
his ashes to India from Japan;
- b) Identity of Mrs. Anita Pfaff, daughter of Netaji Subhash
Chandra Bose.

Consequently the notes portion dealing with these classified
documents available on PMO files would also continue to be treated
as classified (Annexure 1-A). In view of the advice of Ministry of
Home Affairs. I, the Deponent as Secretary in the Prime Minister's

2.12.6
16.1.



1. K 6
16.1.

A circular notary seal stamp. The outer ring contains the text "NOTARY PUBLIC" at the top and "GOVERNMENT OF INDIA" at the bottom. Inside the ring, there is a signature "S. J. M." and below it, the text "R.N. 736".

6. However, I submit that I have no objection to the records in respect of which privilege has been claimed being produced for perusal by the Hon'ble Commission for satisfying itself about the bonafides and genuineness of the pleas of privilege.

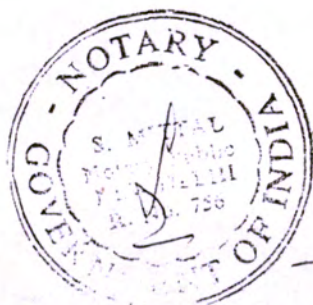
N.K. Singh 16.1.01
DEPONENT

VERIFICATION

I, Nand Kishore Singh, declare and affirm that what is stated above is true to my knowledge. No part of this Affidavit is false and nothing material has been concealed.

Verified at New Delhi, on 16.01.2001.

N.K. Singh 16.1.01.
DEPONENT



Solemnly Affirmed/ Sworn Before Me

NOTARY PUBLIC, NEW DELHI

16 JAN 2001

Rajesh

I Identify the deponent / Executant
who has signed in my presence

Rajesh (RAJESH SHARMA)
PA, PMD I/c No. 216976



ANNEXURE -I

✓ 1. File No. G-16(3)/95-NGO

Sl. No. 17 pages 20-21/c of the file No.G-16(3)/95-NGO-MHA's D.O. No. I/12014/27/93-ISD.III dated Nil from Sh. S.B. Chavan, Home Minister to Sh. P.V. Narasimha Rao, Prime Minister regarding mortal remains of Netaji Subhash Chandra Bose to be brought from Tokyo to India.

✓ 2. File No. G-12(18)/94-NGO

Sl. No.36 pages 4-5/c of the file No.G12(18)/94-NGO -MHA's U.O. No. I/12014/27/93-IS(D.III) dated 9.8.94. from Sh. K. Padmanabhaiah, Home Secretary to Sh. A.N. Varma, Principal Secretary to PM on controversy regarding Netaji's death and bringing his ashes to India from Japan.

✓ 3. File No. 870 11/P/10/93-Pol Vol.II

Sl. No. 1/c Page 1/c of the file- No.870/11/P/10/93-Pol Vol.II- MHA's U.O. No.I/12014/27/93-IS.D.III dated 20.4.1994 from Sh. N.N.Vohra, Home Secretary to Sh. A.N. Varma, Principal Secretary to PM - Controversy regarding Netaji's death and bringing his ashes to India from Japan.

✓ 4. File No. 2(67)/78-PM

Sl. No.3/C Page 4-6/c of the file No.2(67)/78-PM MHA U.O. No.25022/109/79-F.VII dated 6.2.1980 (with enclosures) from Shri Vinay Vasishtha, Under Secretary, Ministry of Home Affairs to Sh. Prakash Shah, Joint Secretary, PMO regarding establishment of the identity of Ms. Anita Pfaff daughter of Netaji Subhash Chandra Bose.



169

159

ANNEXURE -IA.

1. File No. G-16(3)/95-NGO

Page Nos. 5&6 of Note dated 21.11.1995 of Ms. Sujata Mehta, Director, PMO & notings thereon regarding proposal to bring the mortal remains of Netaji Subhash Chandra Bose from Japan to India.

2. File No. G-12(18)/94-NGO

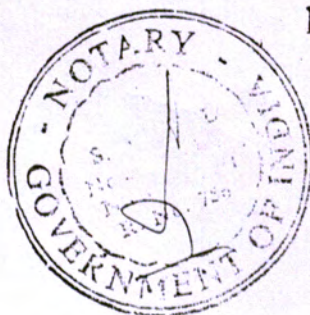
Page Nos 1 to 4 (Notes portion) of Notes dated 26.8.1994 & 2.9.1994 of Ms. Sujata Mehta, Director, PMO and notings thereon about controversy regarding Netaji's death and bringing his ashes to India from Japan.

21/11/16 ✓ 3. File No. 2(67)/78-PM

Page Nos. 2 to 3 of Notes portion regarding doubts about the facts relating to wife and daughter of Netaji Subhash Chandra Bose.

✓ 4. File No. 870/11/P/10/93-Pol.Vol.II

Page Nos. 2 to 3 of Notes portion relating to controversy regarding Netaji's death and bringing his ashes to India from Japan.



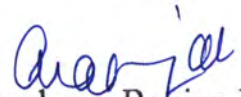
प्रधान मंत्री कार्यालय
PRIME MINISTER'S OFFICE

नई दिल्ली-110 011
New Delhi-110 011

Subject: Justice Mukherjee Commission of Inquiry for
Inquiries in the alleged disappearance of Netaji
Subhas Chandra Bose.

Enclosed please find a copy of letter No.
JMCI/Records/N.Delhi/99-2000/37/480(3) dated 19.1.2001
addressed to Director(PMO) by Shri P.K. Sengupta, WBHJS
(Retd.) Secretary on the subject mentioned above for necessary
action.

2. A copy of the report referred to in the enclosed
letter, if available, may be made available to this office for
onward transmission to the Commission.


[Archana Ranjan]
Director

1- Foreign Secretary

2- Home Secretary

PMO U.O. No. 915/11/C/2/2000-Pol

dated: 31-1-2001



JUSTICE MUKHERJEE COMMISSION OF INQUIRY
FOR INQUIRY INTO THE ALLEGED DISAPPEARANCE OF
NETAJI SUBHAS CHANDRA BOSE.
'B' Block, (Third Floor)
11/A Mirza Ghalib Street, Calcutta 700 087

Phone:

Chairman - 216-2835
Secretary - 216-2767
Officer on
Special Duty - 216-2765
Office - 216-2766/63

REGISTERED WITH A/D.

No. JMCI/Records/N.Delhi/99-2000/480(3)
37

Calcutta, dated, the 19th January, 2001.

From:
Shri P.K. Sengupta, WBHJS(Retd.),
Secretary.

To
Ms. Archana Ranjan,
Director,
Prime Minister's Office, South Block,
New Delhi-110 011.

Madam,

I am directed to say that it has transpired from the materials on record of the Commission that the Government of Japan made an investigation into the alleged death of Netaji Subhas Chandra Bose in the alleged air-crash on August 18, 1945 and submitted a report of that investigation to the Govt. of India and to request you to send a copy of the said report, if available, in your Ministry/office, to the Commission as early as possible.

.. An early reply will be highly appreciated.

Yours faithfully,

(P. K. Sengupta)
Secretary

Pat
while checking up our
own records we may also
check up from MHA & MEA.

25/1/01

DIR(A)

Yes, pl

us (Pat)

III

25/1

5101/Dir(A)/G/O/
25/01



विदेश मंत्रालय, नई दिल्ली
MINISTRY OF EXTERNAL AFFAIRS
NEW DELHI

MOST IMMEDIATE
BY SPEED POST

JAYANT PRASAD
JOINT SECRETARY(AMS & CNV)

12

No. 25/4/NGO-Vol.VI

February 8, 2001

Dear Shri Sengupta,

Please refer to your letter No. JMCI/Records/N. Delhi/99-2000/480(3) dated January 19, 2001 regarding investigation done by Government of Japan into the alleged death of Netaji Subhas Chandra Bose.

A copy of the desired report of the above mentioned investigation received from the Ministry of Foreign Affairs, Government of Japan on January 31, 1956 is available in KW-I of file No.25/4/NGO. Vol-V(page no. 83 – 92). A photocopy of this file alongwith KWs has already been sent to the commission vide our letter No. 25/4/NGO-Vol.V dated 13.11.2000.

Yours sincerely,

(Jayant Prasad)

Shri P.K.Sengupta, WBHJS(Retd.)
Secretary,
Justice Mukherjee Commission of Inquiry,
'B' Block, (3rd floor)
11/A, Mirza Ghalib Street,
Calcutta 700 087

✓ Copy for information to Ms Archana Ranjan, Director(PMO), New Delhi, w.r. t. their U.O.No. 915/11/C/2/2000-Pol dated 31.01.2001.

(Jayant Prasad)
Joint Secretary(AMS & CNV)

173 - 355

JUSTICE M.K. MUKHERJEE COMMISSION OF INQUIRY

Proceedings dated 17.01.2001 (Seventh)

Held at the Seminar Hall, Annexe Building, Mahajati Sadan,
166, Chittaranjan Avenue, Calcutta 700 007



Proceedings

17th January 2001

In terms of the order passed in the last sitting of the Commission on 22.12.2000, the two applications (filed through affidavits) by Shri Kamal Pande, Secretary to the Government of India, Ministry of Home Affairs, and Shri Jarnail Singh, a Joint Secretary in the Prime Minister's Office, claiming privilege in respect of the contents of the documents referred to in their respective applications have been taken up for further hearing ,

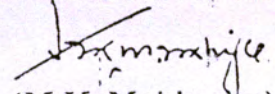
At the commencement of the hearing Mr. Paul, has submitted that lest the Commission holds that Shri Jarnail Singh being a Joint Secretary is not competent to claim privilege in view of the provisions of Sections 123 of the Evidence Act, he may be permitted to file a supplementary affidavit affirmed by Shri N.K. Singh, Secretary in the Prime Minister's office fully supporting the claim of Shri Jarnail Singh within a day or two. The prayer has been allowed. Thereafter the learned Counsel for the parties, including the learned Counsel for Government of India, have been heard at length on the claim of privilege. Necessary Orders in this regard will be passed in due course.

Pol
obtained from M.O. Sec

May be kept in
our file.

Am
19/2

P-III


(M.K. Mukherjee)
Chairman.

174

ORDER

25.1.2001

Sri Kamal Pande, Secretary to the Government of India, Ministry of Home Affairs, has filed an application through an affidavit claiming privilege in respect of the following files pertaining to Netaji Subhas Chandra Bose :-

- A
- i) Bringing the ashes of Netaji kept in Renkoji Temple in Tokyo, Japan to India; and
 - ii) Posthumous announcement of award of 'Bharat Ratna' to Netaji ;

The privilege has been claimed under Sections 123 and 124 of the Evidence Act and Article 74 (2) of the Constitution of India.

Similar claim under Sections 123 and 124 of the Evidence Act has been made in another affidavit by Sri Jarnail Singh, a Joint Secretary in the Prime Minister's Office, in respect of documents dealing with the following issues :-

- B
- i) Controversies regarding Netaji's death and bringing his ashes in India from Japan ; and
 - ii) Identity of Mrs. Anita Puff, daughter of Netaji Subhas Chandra Bose.

Later on, with the permission of the Commission Sri N.K.Singh, Secretary in the Prime Minister's

Office has filed a supplementary affidavit supporting the claim of Sri Jarnail Singh. The learned Counsel for the deponents before the Commission raised a threshold question as to the maintainability of the claim on the grounds that none of the affidavits specifies the documents in respect of which privilege was being claimed nor do they indicate the reasons why it is apprehended that their disclosure would lead to injury to public interest. To bring home their contentions they have taken me through the averments made in the affidavits and relied on various judgments of the Supreme Court in this regard. Particular reference has been made to the Constitution Bench judgments of the Supreme Court in State of Punjab vs. S.S.Singh, AIR 1961 S.C. 493 wherein Gajendragadkar J. (as His Lordship then was), speaking for the majority, observed as under :-

" The sole and the only test which should determine the decision of the head of the department is injury to public interest and nothing else. Since it is not unlikely that extraneous and collateral purposes may operate in the mind of the person claiming the privilege it is necessary to lay down certain rules in respect of the manner in which the privilege should be claimed. We think that in such cases the privilege should be claimed generally by the Minister in charge who is the political head of the department concerned; if not, the Secretary of the department who is the departmental head should make the claim; and the claim should always be made in the form of an affidavit. When the affidavit is made by the Secretary the Court may, in a proper case, require an affidavit of the Minister himself. The affidavit should show that each document in question has

been carefully read and considered, and the person making the affidavit is satisfied that its disclosure would lead to public injury. If there are a series of documents included in a file it should appear from the affidavit that each one of the documents, whose disclosure is objected to, has been duly considered by the authority concerned. The affidavit should also indicate briefly within permissible limits the reason why it is apprehended that their disclosure would lead to injury to public interest."(emphasis supplied).

Reliance was also placed in *Amarchand Butayel vs. Union of India*, AIR 1964 SC 1658 wherein the above quoted principle was reiterated. Lastly, the attention of the Commission was drawn to the following passage from the judgment of Supreme Court in *R.K.Jain vs. Union of India* (1993) 4 SCC page 120.

"It is now settled law that the initial claim for public interest immunity to produce unpublished official records for short "State documents" should be made through an affidavit generally by the Minister concerned, in his absence by the Secretary of the department or head of the department. In the latter case the court may require an affidavit of the Minister himself to be filed. The affidavit should indicate that the documents in question have been carefully read and considered and the deponent has been satisfied, supported by reasons or grounds valid and germane, as to why it is apprehended that public interest would be injured by disclo-

sure of the document summoned or called for.

If the court finds the affidavit unsatisfactory
a further opportunity may be given to file
additional affidavit or he may be summoned for
cross-examination. If the court is satisfied
from the affidavit and the reasons assigned
for withholding production or disclosure, the
Court may pass an appropriate order in that
behalf. " (emphasis supplied)

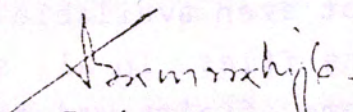
In responding to the above contentions of the
learned Counsel for the deponents, Mr. Pal appearing
for the Union of India submitted that the affidavits
clearly indicate that the privilege has been claimed
in the line of the observations of the Supreme Court
in the above cases and therefore, no exception could
be taken to the same. He, however, fairly submitted
that if the Commission felt that the affidavits were
unsatisfactory, the Secretaries concerned may be given
an opportunity to file additional affidavits, as
observed by Supreme Court in R.K.Jain (Supra).

To find an answer to the above questions
I have carefully gone through the affidavits and files.
Unlike the affidavits filed on behalf of the Prime
Minister's Office wherein not only the documents have
been specifically mentioned but also the notes appear-
ing therein (Annexure I and IA respectively to the
affidavits), in respect of which privilege has been
claimed, the Ministry of Home Affairs have claimed
privilege in respect of the entire contents of their
two files. On perusal thereof, I find that these files
not only contain official notes and correspondences
between the Ministry of Home Affairs, Prime Minister's
Office and other Ministries but also records of Par-
liamentary proceedings, newspaper cuttings, open

letters sent by eminent citizens to the Ministry of Home Affairs and similar other documents. Apparently the latter class of documents cannot answer the description of 'secret' documents nor do they assume such a character simply by their inclusion in files marked "TOP SECRET". In that context, it was obligatory on the part of the Secretary of Ministry of Home Affairs to specify the documents in respect of which privilege was being claimed. So far as furnishing of the reasons as to why it is apprehended that the disclosure of the documents in the files would lead to injury to public interest is concerned, the only reason that has been given in the affidavit is that disclosure of the records would cause injury to India's relation with some friendly foreign countries. Whether the above reason is appropriate one or not need not be decided at this stage but suffice it to say that the reason is not even available to other documents appearing in the files. In all such circumstances, the Ministry of Home Affairs was also required to indicate the specific reasons for which the contents of the other relevant documents in the file should not be disclosed.

For the foregoing discussion, the Secretary, Ministry of Home Affairs is directed to file a supplementary affidavit regarding their claim of privilege keeping in view the observations made hereinbefore and the principle laid down by the Supreme Court as to the manner in which it is to be claimed. The supplementary affidavit should be filed within a month of communication of this Order. Let a copy of this Order alongwith the files received from the Ministry of Home Affairs be sent for their response.

So far as the affidavits of Prime Minister's Office are concerned, they undoubtedly specify the documents and the notes in respect of which privilege is claimed, As regards the documents pertaining to the identity of Mrs. Anita Puff, daughter of Netaji Subhas Chandra Bose, the same are not relevant to the terms of reference and hence the same may be sent back. The other documents and notes relate to correspondence between the Prime Minister's Office and the Home Ministry; and the same also find place in the files of Ministry of Home Affairs in respect of which privilege has been claimed. In all such circumstances, appropriate Orders regarding the merits of the claim of privilege in respect of those documents will be made on receipt of response of the Ministry of Home Affairs to this Order.


(Monoj Kr. Mukherjee)
Chairman



180

From : Tarakeswar Pal,
Advocate
HIGH COURT CALCUTTA
Bar Association Room No. 5
Phones : 248-3190/3169
Fax : (033) 248-2313
E.mail : barasohc @ cal. cmc. net. in
Residence :

'Purnasasi'
33, Asoke Avenue
Calcutta - 700 040
Phone : 471-0592
Fax : 471-1204

Senior Standing Counsel to the Government of India for the Hon'ble Justice Mukherjee Commission of Inquiry For Inquiry Into The Alleged Disappearance of Netaji Subhas Chandra Bose.

March, 6, 2001.

To
Shri P.K. Sengupta,
W.B.H.J.S. (Rtd.),
Secretary,
Justice Mukherjee Commission of Inquiry,
11A, Mirja Ghalib Street,
Calcutta - 700 087

Dear Sir,

Re. : Supply of records by the Government of India
to the Hon'ble Commission.

With your pleasure may I record that save and except the files under the claim of privilege, the records you need have been delivered, and, some other records, as declassified have been referred to you to ascertain your need (vide the last Affidavit dated 26th February, 2001 by Ms Sangita Gairola, Joint Secretary, Ministry of Home Affairs, IS-1, Government of India). However, I may further request your gracious pleasure in letting us know of the records as available, of the Government of India you need and as available remaining undelivered for appraisal of the matter.

Thanking you,

Yours faithfully,

Tarakeswar Pal

(Tarakeswar Pal)
Advocate

Senior Standing Counsel

P.T.O.

20/12/91
for 9/13
A 9/13

us (Pal)
Am
12/13

P-III

20/12/91
4993/05/05/9
9/13

S

2 -

Copy to : (By Regd. Post with A/D)

1. Mr. Jarnail Singh, Joint Secretary, Prime Minister's Office
Government of India, South Block, New Delhi - 110 011,
2. Ms. Sangita Gairola, Joint Secretary, IS-1, Ministry of
Home Affairs, Government of India, North Block, New Delhi -
110 011,
3. Mr. Jayant Prasad, Joint Secretary (C.N.V.), Ministry of
External Affairs, Government of India, South Block,
New Delhi - 110 011,
4. Mr. Falguni Rajkumar, Joint Secretary (Trg) & CAO, Ministry
of Defence, Government of India, South Block, New Delhi - 110011,
5. Dr. Sukumar Sarkar, Director General, National Archives,
Government of India, Janapath, New Delhi - 110 001,

- for information and appraisal of the matter.

Tarakeswar Pal

(Tarakeswar Pal)

Advocate

Senior Standing Counsel.

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JUSTICE MUKHERJEE COMMISSION OF INQUIRY

FOR INQUIRY INTO THE ALLEGED DISAPPEARANCE OF

NETAJI SUBHAS CHANDRA BOSE.

'B' Block, (Third Floor)

11/A Mirza Ghalib Street, Calcutta 700 087

Phone:

Chairman -- 252-2835
Secretary -- 252-2767
Officer on
Special Duty -- 252-2765
Office -- 252-2766/68

No. JMCI/Meeting-Hearing/99-2000/57/601(60)

Calcutta, dated, the 7th March 2001
T3+K

Under Certificate of Posting

From
Shri M. Roy, IAS (Retd.)
Officer on Special Duty

To
Shri Jarnail Singh
Joint Secretary
Prime Minister's Office
North Block
New Delhi 110 001

Dear Sir,

I am directed to inform you that the next hearing of the Commission will be held on April 4, 2001 (Wednesday) at 11.00 O'clock in the forenoon in the Seminar Hall, Annexe Building, Mahajati Sadan, 166, Chittaranjan Avenue, Calcutta 700 007 when the Commission besides transacting other business, may examine the following witnesses :

1. Mr. Mubarak Mazdoor, the deponent of the affidavit dated June 30, 2000 bearing No. JMCI/46/2000
2. Smt. Prova Jagannathan, Correspondent, The Economic Times, New Delhi.

Yours faithfully,

(Signature)

(M. Roy)

Officer on Special Duty

2351/Ret/2001
21/3
19/3

20/3

45/801

20/3

915/11/01 2/2003/11

JUSTICE MUKHERJEE COMMISSION OF INQUIRY
FOR INQUIRY INTO THE ALLEGED DISAPPEARANCE OF
NETAJI SUBHAS CHANDRA BOSE.
'B' Block, (Third Floor)
11/A Mirza Ghalib Street, Calcutta 700 087

Phone:

Chairman - 216-2135
Secretary - 216-2167
Officer on
Special Duty - 216-2165
Office - 216-2165/23

183

No. JMCI/ Comn/2000-2001/51/615(60) Calcutta, dated, the 14.03.2001.

UNDER CERTIFICATE OF
POSTING

N O T I C E

The undersigned hereby informs all concerned for their information and necessary action that Shri P.K. Sengupta, Secretary of the Commission, has been appointed by the Commission as Commissioner for recording deposition of Dr.(Col.) Lakshmi Sehgal, ex-I.N.A., residing at 15/241 Civil Lines, Kanpur-208001, U.P., at the Government Circuit House, Kanpurnagar, Kanpur on March 26, 2001 (Monday) at 11.00 A.M. and that if the recording of her deposition is not completed on 26.03.2001 the recording will be resumed on 27.03.2001 (Tuesday) at 11.00 A.M. at the same place.

(M. Roy)

Officer on Special Duty

To

Shri Jarnail Singh
Joint Secretary
Prime Minister's Office
North Block
New Delhi 110 001

23/3/2001
21/3

19/3
dir (A)
20/3

us (Ref)
20/3

91/11/C/2/2006 (11)

17

184

SECRET
MOST IMMEDIATE

Copy-No 1

No.I/12014/13/2000-IS(D.III)
Ministry of Home Affairs
IS-I Division

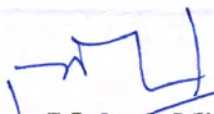
Dated, the 14th March, 2001

As per the directions of Justice Mukerjee Commission of Inquiry, Home Secretary is required to file a Supplementary Affidavit with regard to the claim of privilege under section 123, 124 of the Evidence Act and Article 74(2) of the constitution of India, made vide his affidavit filed earlier on 13th November, 2000. The claim of privilege was with respect to two files namely :-

- (i) Posthumous announcement of award of Bharat Ratna to Netaji.
- (ii) Bringing ashes of Netaji kept in Renkoji Temple in Tokyo, Japan to India.

2. The Supplementary Affidavit would pertain to specific documents in these files giving the reasons for the claim. It has been observed that certain documents pertain to/ have originated from your Ministry/Department/Office.

3. A list of documents along with copies thereof is enclosed. You are requested to look into the contents of these documents and inform this Ministry latest by 19th March 2001, whether the classification of these documents has to be retained or otherwise alongwith reasons thereof.


(Mukesh Mittal)
Deputy Secretary (IS-I)

- 13/3*
US (IS-I)
1. Prime Minister's Office
(Smt. Archana Ranjan, Director)
New Delhi.
 2. Ministry of External Affairs
(Shri Jayant Prasad, Joint Secretary)
New Delhi.
 3. Cabinet Secretariat
(Shri Rakesh Sarwal, Deputy Secretary)
Rashtrapati Bhavanm,
New Delhi.
 4. Cabinet Secretariat (R&AW)
(Shri Jayadeva Ranade, Joint Secretary)
Jaisalmer House, New Delhi.
- NGO Section*
may retain
copy of TS letter
note for necessary
action.
- For pp: pertaining*
to PAF see we
will take
action subsequently.

Encl: As above.

US (NGO)

Alou
15/3

Copy of this letter, at two
TS encls. retained in NGO
15/3/2001

SO/Dir(A)/S
15/3

म.सं.का. (एन.जी.ओ.)/PMO (NGO)
क्र.सं./Dy. No. 142/8/2001
दिनांक/Date 15/3

185

PRIME MINISTER'S OFFICE

S.No.	Details of document
1.	<p>PMO UO No. 870/11(P)/10/93-Pol. Dated 13.10.93 relating to controversy regarding Netaji's death and bringing his ashes to India from Japan. Pol</p>
2.	<p>PMO U.O. No. PMO(NGO)/354/T/94 dated 16.9.1994 relating to controversy regarding Netaji's death and bringing his ashes to India from Japan.</p>
3.	<p>PMO U.O. No. G-16(3)/95-NGO dated 30.11.1995 from Prime Minister's Office to Home Secretary regarding position in regard to Netaji's ashes and proposal to increase the Government of India's annual contribution to the Renkoji Temple in Tokyo.</p>
4.	<p>PMO U.O. No. 805/11/C/13/95-Pol.(Vol.II) dated 19.12.1995 from Prime Minister's Office to Home Secretary regarding ashes presumed to be Netaji's to be subjected to Mitochondrial DNA analysis to try to resolve the controversy surrounding them. Pol</p>
5.	<p>PMO UO No. 805/11/C/13/95-Pol.(Vol.II) dated 18.1.96 regarding a proposal for DNA analysis of Netaji ashes. Pol</p>

3415/JS(S.1)/93
S. no 1(R) 15/K
12691/08/51/53
15/10
P-1119/1893
SECRET 14/X 1861)

Subject:- Controversy regarding Netaji's death and bringing his ashes to India from Japan.

.....

78/93/PMO/15/18/10/93
18/10/93

The matter regarding the death of Shri Subhash Chandra Bose and proposal to bring his ashes to India from Japan was last considered by the CCPA vide Ministry of Home Affairs note No.I/12014/6/90-IS(D-III) dated 10.1.1991. The view taken at that time was that no purpose would be served by holding another inquiry into the death of Netaji or by bringing back his ashes to India.

2. MEA have now brought to our notice that a journal published from Moscow is likely to publish a series of articles based on classified KGB archives alleging inter alia that Netaji was an MI-6 agent and one of his close aides was a KGB agent. MEA are taking steps at the diplomatic level to contain the likely fallout from this publication. However, it is possible that the articles, if published, may revive the controversy about Netaji's death and his ashes.

3. It may also be kept in view that Netaji's birth centenary is due in 1997. The controversy about his ashes may have to be settled one way or the other before that time.

4. MHA are, therefore, requested to look into this matter and prepare a paper for the Cabinet on the likely form that this controversy may take and the options for dealing with it.

[Signature]
(A.N. Varma)
Principal Secretary to PM

[Signature]
AS(AR)
14/10/93
ISA

Home Secretary
PMO U.O. No.870/11/P/10/93-Pol

dated 13.10.1993

for you
15/10/93
JS(25/1)

15/10
DOB-112
h.c. 18/10

20/12/95 1/1745/H/95
21/12 20/12/95

187

~~SECRET~~

प्रधान मंत्री कार्यालय
PRIME MINISTER'S OFFICE

V. 2253/SS(1SP)/81
21.12.95

प्रधान मंत्री कार्यालय
T-BRANCH
Date No. 4183/95
27/12/95

10388/DS(183)85

5A 22/12

नई दिल्ली - 110 011
NEW DELHI - 110 011

A suggestion has been received in this Office, including from some members of the family of the late Netaji Subhas Chandra Bose, proposing that the ashes presumed to be Netaji's, which presently lie in an urn at the Renkoji Temple, Tokyo should be subjected to mitochondrial DNA analysis to try to resolve the controversy surrounding them.

2. We would be grateful for comments on this suggestion.

(N.K. Sinha)
Joint Secretary to PM
19.12.95

- ✓ 1. Home Secretary
2. Foreign Secretary
3. Secretary, Department of Biotechnology

PMO U.O. No. 805/11/C/13/95-72(VII) Dated 19.12.95

M/S 20/12/95

SS(15)
21/12
JS(15)

21/12/95
DS(15-1)

DIU

बि. वृत्त कार्यालय
F-BRANCH

R-690/-
2

3/1/96 188
196 P-115/H-196-23
MOST IMMEDIATE

प्रधान मंत्री कार्यालय
PRIME MINISTER'S OFFICE

SECRET

बि. वृत्त कार्यालय
F-BRANCH
दस्तावेज सं. - 221/96-T
Diary No.....
दिनांक 23/1/96
Page.....

57

नई दिल्ली - 110 011

NEW DELHI - 110 011

Reference is invited to this office U.O. of the same number dated 19.12.1995 regarding a proposal for DNA analysis of Netaji's ashes.

It is requested that the comments sought in the matter may kindly be sent urgently.

6/PMO/15 (DIA) / 96
23/1/96

Sujata Mehta
(Sujata Mehta)
Director

✓ 1. Home Secretary

2. Foreign Secretary

PMO U.O. NO. 805/11/C/13/95-Pol Vol.II

dated: 18.1.1996

1/5 N
19/1/96:

SS(15)
le
22/1
JS(15-2)

En
22/1/96
22/15-1) on TOUR
D-III
Reply sent - Niche
NO 56

BY SPEED POST

189

शोक साईकीया
Shok Saikia

प्रधान मंत्री के संयुक्त सचिव
Joint Secretary to P.M.
Tel. : 301 6996



प्रधान मंत्री कार्यालय
नई दिल्ली-110 011
PRIME MINISTER'S OFFICE
NEW DELHI -110 011

18/c
D.O. No.915/11/C/2/2000-Pol
March 26, 2001

Dear

Shri Bagchi
This has reference to this office letter of even number dated 16.11.2000 (copy enclosed for ready reference) seeking a confirmation from the State Government of Orissa about declassification of certain letters which are required to be given to the Justice Mukherjee Commission of Inquiry.

2. Despite repeated expeditors, the requisite confirmation from the State Government is not forthcoming. Copy of this office fax message dated 8.1.2001 is enclosed which would explain the entire background.

3. Considering the urgency in the matter, I would request you to kindly send the requisite information at the earliest.

With regards,

Yours sincerely,

Shri D.P. Bagchi,
Chief Secretary,
Government of Orissa,
Secretariat,
Bhubaneswar.

7/c
6/22.

189
26/3

190

D.O. No.915/11/C/2/2000-Pol
March 26, 2001

Dear

This has reference to this office letter of even number dated 16.11.2000 (copy enclosed for ready reference) seeking a confirmation from the State Government of Orissa about declassification of certain letters which are required to be given to the Justice Mukherjee Commission of Inquiry.

2. Despite repeated expeditors, the requisite confirmation from the State Government is not forthcoming. Copy of this office fax message dated 8.1.2001 is enclosed which would explain the entire background.

3. Considering the urgency in the matter, I would request you to kindly send the requisite information at the earliest.

With regards,

Yours sincerely,



**Shri D.P. Bagchi,
Chief Secretary,
Government of Orissa,
Secretariat,
Bhubaneswar.**

Handwritten:
D.P. Bagchi
26/3
us (Pol)

Handwritten:
SG/DIR(A)/S/OT
26/3/01

191

DRAFT

JS(A)

D.No. 915/11/C/2/2000-Pol

Dear Sir,

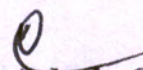
This has reference to this office letter of even number dated 16.11.2000(copy enclosed for ready reference) seeking a confirmation from the State Govt. of Orissa about declassification of certain letters which are required to be given to the Justice Mukherjee Commission of Inquiry.

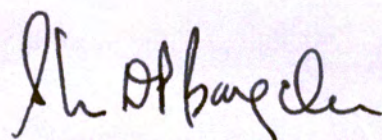
Despite repeated expeditors , the requisite confirmation from the State Govt. is not forthcoming. Copy of this office fax message dated 8.1.2001 is enclosed which ^{would} explain the entire background.

Considering the urgency in the matter I would request you to kindly send the requisite information at the earliest.

With regards.

Yours sincerely ,


[Ashok Saikia]



~~Chief Secretary~~
Govt. of Orissa,
Bhubaneswar.

/

192
h/r
Pradyot Kumar Sengupta, WBHJS (Retd.)
Ex-District & Sessions Judge, Ex-Principal Secretary to the
Government of West Bengal, Judicial Department,
Secretary

Justice Mukherjee Commission of Inquiry
For inquiry into the alleged disappearance of
Netaji Subhas Chandra Bose
'B' Block (3rd floor), 11/A Mirza Ghalib Street,
Calcutta 700 087

Res: IB 134, Salt Lake City (Sector III)
Calcutta 700 091
☎ 335-5714

Office ☎ : 033-252-2835, 2765/68
Fax : 033-252-2765
e-mail : jmcinscb@cal3.vsnl.net.in

NO. JMCI/Comn/2000-2001/51/631(60)

Calcutta, dated the 19th March 2001

UNDER CERTIFICATE OF POSTING

To
Shri Jarnail Singh
Joint Secretary
Prime Minister's Office
North Block
New Delhi 110 001

Subject : **Examination of Dr. (Col.) Lakshmi Sehgal
on commission at Kanpur on 26.3.2001**

Reference : **JMCI/Com/2000-2001/51/615 dt. 14.3.2001**

Sir,

I am directed to inform you that, in view of the present law and order situation in Kanpur the examination of Dr. (Col.) Lakshmi Sehgal at Kanpur which was scheduled to be held on 26.3.2001, has been postponed until further order of the Commission.

Further communication about the examination of Dr. Col.) Sehgal will be made to all concerned after the Commission fixes another date for her examination.

Inconvenience, if any, caused by this postponement, for reasons beyond the control of the Commission, is regretted.

Yours faithfully,

P.K. Sengupta
(P.K. Sengupta)
Commissioner

2781A/IR/AG
23/3

5163/03(5)/09
23/3

23/3

us (P.K.)

P-III
24/3

PRIME MINISTER'S OFFICE

20/c

193

Subject: **Claiming of privilege in respect of the documents to be furnished to the Justice Mukherjee Commission – clarification regarding.**

Reference is invited to MHA note No.1/12014/13/2000-IS(D.III) dated 14.3.2001 on the subject noted above.

Of the five documents listed in the above referred Communication following three documents alongwith their relevant files have already been made available to the Justice Mukherjee Commission.

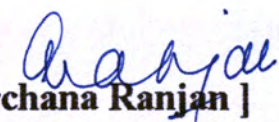
1. PMO U.O. Note No.870/11(P)/10/93-Pol dt. 13.10.93.
2. PMO U.O. Note No.PMO(NGO)354/T/94 dt. 16.9.94.
3. PMO U.O. Note No.G-16(3)/95-NGO dt. 30.11.95

It has also been clarified through filing of an Affidavit by this office that all notes/correspondence originating from PM's office, copies of which have already been made available to the Commission may be graded as Confidential. Therefore, the Security grading of the aforesaid documents may be treated as confidential.

.....2/-

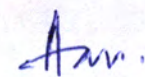
-2-

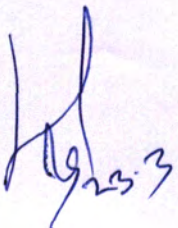
The remaining two "Secret" u.o. notes (No.805/11/C/13/95-Pol(Vol.II) dated 19.12.95 and 18.1.96 which relate to a proposal for DNA Analysis of the Ashes presumed to be of Netaji's could not made available to the Commission by this office so far as these papers had in-advertantly been lodged in a some what unrelated file and therefore could not be located while forwarding other files/documents to the Justice Mukherjee Commission, However, copies of these u.o. notes are available in MHA file on which MHA intend to claim privelege. Therefore, our stand in respect of these two documents would be similar to the position as explained in our Affidavit referred to above.


[Archana Ranjan]
Director

Shri Mukesh Mittal , Deputy Secretary (ISD), MHA
PMO U.O. No. 915/11/C/2/2000-Pol dated March 22, 2001

Copy to : NGO Section, PMO.


[Alok Mukhopadhyay]
Under Secretary(Pol)


9/25/3


9/25/3

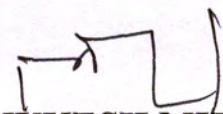
No. I/12014/13/2000-IS (D.III)
MINISTRY OF HOME AFFAIRS
IS-I DIVISION

New Delhi, the 23rd March 2001

Reference is invited to my note dated 14th March, 2001 regarding filing of a supplementary affidavit by Home Secretary with regard to the claim of privilege under Section 123, 124 of the Evidence Act and Article 74 (2) of the Constitution of India in respect of two files namely posthumous announcement of award of "Bharat Ratna" to Netaji and bringing ashes of Netaji kept in Renkoji Temple in Tokyo, Japan to India.

2. As requested therein, the views of your Ministry/Organisation were requested by 19th March 2001 regarding de-classification or otherwise of the documents pertaining to/which have originated from your Ministry/Organisation. However, the same are still awaited.

3. As the supplementary affidavit of Home Secretary has to be finalised expeditiously for filing before Justice Mukherjee Commission of Inquiry, it is requested that your comments/views in the matter may be provided to this Ministry without any further delay.


(MUKESH MITTAL)
DEPUTY SECRETARY (IS-I)

Copy already sent. 26/3

1. **Prime Minister's Office**
(Smt. Archana Ranjan, Director)
NEW DELHI

2. **Cabinet Secretariat (R&AW)**
(Shri Jayadeva Ranade, Joint Secretary),
Bikaner House Annexe, Shahjahan Road,
NEW DELHI- 110011

*62/12/2001 S
26/3*

24/3 196

JUSTICE MUKHERJEE COMMISSION OF INQUIRY

FOR INQUIRY INTO THE ALLEGED DISAPPEARANCE OF

NETAJI SUBHAS CHANDRA BOSE.

‘B’ Block, (Third Floor)

11/A Mirza Ghalib Street, Calcutta 700 087

Phone:

Chairman -- 252-2835
Secretary -- 252-2767
Officer on
Special Duty -- 252-2765
Office -- 252-2766/68

No. JMCI/Meeting-Hearing/99-2000/57/645(60)

Calcutta, dated, the 26th March 2001

Under Certificate of Posting

From
Shri M. Roy, IAS (Retd.)
Officer on Special Duty

To
Shri Jarnail Singh
Joint Secretary
Prime Minister's Office
North Block
New Delhi 110 001

Dear Sir,

Further to our letter No. JMCI/Meeting-Hearing/99-2000/57/601(60) dated 7.3.2001, I have been directed to inform you that the Commission may also examine the following witnesses :-

1. Shri Narayan Sanyal, 13/1 Chakraberia Road (North), Calcutta 700 020;
2. Dr. Bipul Kumar Sarkar (Ex-INA), 5 Dr. A.M.O. Gani Road, Park Circus, Calcutta 700 017

Yours faithfully,



(M. Roy)
Officer on Special Duty

No. JMCI/Meeting-Hearing/99-2000/57/645/1(2)

Calcutta, dated, the 26th March 2001

Copy forwarded to :

1. Mr. Tarakeswar Pal, Learned Senior Counsel, Government of India, Room No.5, Bar Association, Calcutta High Court, Calcutta 700 001
2. Ms. Abha (Datta) Roy, Learned Counsel for the Govt. of West Bengal
3. Mr. Bhaskar Sen, Learned Counsel for the Commission;
4. Mr. Shyamaprosad Sarkar, Learned Counsel for the Commission

(M. Roy)
Officer on Special Duty

23

197

Secret
Most Immediate

Government of India
Ministry of Home Affairs
IS-I Division

20/c

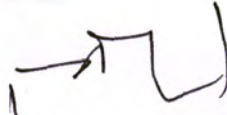
✓ Prime Minister's Office may please refer to their U.O. Note No.PMO U.O. No.915/11/C/2/2000-Pol dated 22nd March, 2001 regarding verification for claim of privilege in respect of documents to be furnished to the Justice Mukherjee Commission of Inquiry.

17/c

2. It has been stated therein that out of the five documents listed in MHA Note of even number dated 14.3.2001, three documents along with the relevant files have already been made available to the Commission with the clarification through filing of an affidavit that these may be graded as Confidential and that the grading of the remaining two Secret U.O. Notes may also be treated as Confidential. It may be stated that even grading a document as Confidential does not make it declassified. Therefore, it may be specifically stated as to whether these two documents can be made available to the Commission for use as deemed appropriate by it.

'A'

3. It is requested that the required input may please be provided to this Ministry expeditiously.


(MUKESH MITTAL)
Deputy Secretary (IS-I)

Ch
3/4

✓ Prime Minister's Office (Smt. Archana Ranjan, Director), New Delhi.
MHA UO Note No.II/12014/13/2000-IS(US D.IV) Dated, the 29th March, 2001.

us (Pol)

pps. pr. Am
3/4

an file duly flagged place below.
in view of the stand taken in the Affidavits filed by us, we may agree to 'A' above.
Dis(A) Since this stand has already been approved by Secy, and affirmed vide Affidavit, may be agreed to. Archana 9/4/01.
68/Div (A)/5/01
30/3/01
no note sent for issue
us (Pol)
Am 10/4

प्रधान मंत्री कार्यालय
PRIME MINISTER'S OFFICE

198



24

नई दिल्ली-110 011
New Delhi-110 011

Subject: Claiming of privilege in respect of the documents to be furnished to the Justice Mukherjee Commission – clarification regarding.

Reference is invited to MHA u.o. note No.II/12014/13/2000-IS(us D.III) dated 29.3.2001 on the subject noted above.

It is confirmed that the documents in question may be made available to the Commission for use as deemed appropriate by it.


[Alok Mukhopadhyay]
Under Secretary(Pol) 

Deputy Secretary (IS-D) MHA (Shri Mukesh Mittal)

PMO U.O. No. 915/11/C/2/2000-Pol dated April 10, 2001

2002
8
10/4

JUSTICE MUKHERJEE COMMISSION OF INQUIRY
FOR INQUIRY INTO THE ALLEGED DISAPPEARANCE OF
NETAJI SUBHAS CHANDRA BOSE.
'B' Block, (Third Floor)
11/A Mirza Ghalib Street, Calcutta 700 087

Phone:

Chairman - 216-2835
Secretary - 216-2767
Officer on
Special Duty - 216-2765
Office - 216-2765/68

No. JMCI/Commissioner/51/12(60)

Calcutta, dated, the 9th April, 2001.

From
Shri N.K.Panja, WBHJS (Retd.)
Principal Private Secretary & Commissioner

NOTICE

The undersigned hereby gives notice to all concerned for their information and necessary action that he has been appointed Commissioner by the Commission for recording deposition of :-

- (i) Dr. Jagadamba Prashad Shrivastava, President, All India Netaji Subhas Chandra Sansthan, Lal Shahib-ki-Kothi, Purani Dari Mandi, Sitapur (U.P.).
- (ii) Shri Bhandari Baba, Cantonment Area Mandir, Sitapur (U.P.).
- (iii) Dr. Alokesh Bagchi, Krishna Nursing and Bagchi Maternity Centre, Sumer Saga Road, Gorakhpur- 273 001.
- (iv) Shri Vishawa Bandhoo Tiwari, President, Azad Hind Sangh (East Zone), 289/242, Tiwari Nagar, Moti Nagar, Lucknow (U.P.).
- (v) Sri I.B. Saxena, Editor, Vishawa Neta Weekly, Delhi/Lucknow, Asst. Supreme Commander, Akhand Bharat Sabha, 795, Krishna Samarpan Mandir, Azad Nagar, Alambagh, Lucknow - 226 005.

The undersigned has accordingly fixed 26th April, 2001 (Thursday), 27th April, 2001 (Friday) 28th April, 2001 (Saturday) and 30th April, 2001 (Monday) for recording their deposition as per programme below :-

26.04.2001 = (i) Dr. Jagadamba Prosad Shrivastava.

(ii) Shri Bhandari Baba.

27.04.2001 = (i) Dr. Alokesh Bagchi.

28.04.2001 = (i) Shri Biswa Bandhu Tiwari.

30.04.2001 = (i) Shri I.B. Saxena.

The witnesses will be examined in the Circuit House, Lucknow, at or about 11.30 A.M. on the above mentioned dates, as per programme above. If recording of any of the aforesaid witnesses is not completed on the schedule date, the recording will

Contd.P.2

Fax : (0091-033-216-2765

e-mail : jmcinsecb@cal3.vsnl.net.in

P-III

JUSTICE MUKHERJEE COMMISSION OF INQUIRY
FOR INQUIRY INTO THE ALLEGED DISAPPEARANCE OF
NETAJI SUBHAS CHANDRA BOSE.
'B' Block, (Third Floor)
11/A Mirza Ghalib Street, Calcutta 700 087.

Phone:

Chairman - 216-2835
Secretary - 216-2767
Officer on
Special Duty - 216-2765
Office - 216-2766/68

200

- : 2 : -

No. JMCI/Commissioner/51/12(60).

Calcutta, dated, the 9th April, 2001.

be resumed on the next date at 11.30 A.M.

N.K. Panja
(N.K. Panja)
Principal Private Secretary
&
Commissioner

To
All 60 deponents.

By registered
post with A/D.

(26)

JUSTICE MUKHERJEE COMMISSION OF INQUIRY
FOR INQUIRY INTO THE ALLEGED DISAPPEARANCE OF
NETAJI SUBHAS CHANDRA BOSE.
'B' Block, (Third Floor)
11/A Mirza Ghalib Street, Calcutta 700 087

Phone:

Chairman -- 252-2835
Secretary -- 252-2767
Officer on
Special Duty -- 252-2765
Office -- 252-2766/68

48(Vol.III)/136

No. JMCI/ Meeting-Proceedings(Follow-Up)/ Calcutta, dated, the June 1, 2001.

From : Shri P.K. Sengupta,
Secretary

To : The Secretary,
Prime Minister's Office,
Government of India,
South Block,
New Delhi - 110001.

S i r,

I am directed to refer to the order/direction contained in para A(ii) of the proceedings dated 31.08.2000 of this Commission and to request you to arrange to file before it immediately an affidavit sworn by a competent Officer, not below the rank of Joint Secretary to the Government of India, on the following points :-

- 17/9/6
JMCI/DP
For you Pl.
2/11/6
Dir (A)
11/6
MS
US (Pol)
- (a) Whether any of the files/records relevant to the terms of reference of this Commission has been destroyed ;
 - (b) If any such files/records have been destroyed -
 - (i) the details thereof ;
 - (ii) the reasons for such destruction ;
 - (iii) the date(s) when those were destroyed ;
 - (iv) the place where those were destroyed ;
 - and (v) whether copies of the documents contained in those destroyed files/records have been kept or maintained and if not, the reasons therefor.

I am further directed to request you to send to the Commission an interim "Action taken report" in the matter within four weeks from the date of receipt of this letter.

Yours faithfully,

(P. K. Sengupta)
Secretary

(27)

JUSTICE MUKHERJEE COMMISSION OF INQUIRY
FOR INQUIRY INTO THE ALLEGED DISAPPEARANCE OF
NETAJI SUBHAS CHANDRA BOSE.
'B' Block, (Third Floor)
11/A Mirza Ghalib Street, Calcutta 700 087

Phone:

Chairman - 252-2835
Secretary - 252-2767
Officer on
Special Duty - 252-2765
Office - 252-2766/68

No. JMCI/Meeting-Proceedings(Follow Up)/ Calcutta, dated, the **19.06.2001.**
48(Vol.II)/162.

From : Shri M. Roy, IAS (Retd.),
Officer on Special Duty

To : The Secretary,
Ministry of Home Affairs,
Government of India,
North Block,
New Delhi-110001.

S i r,

I am directed to enclose a copy of the order dated June 7, 2001 of the Hon'ble Chairman of the Commission, which speaks for itself, for your information.

Yours faithfully,

sdt

(M. Roy)

Officer on Special Duty


Encl : As stated.

No. JMCI/Meeting-Proceedings(Follow Up)/48(Vol.II)/162(1)

Dated : 19.06.2001.

REGISTERED WITH A.D.

Copy with a copy of the abovenoted enclosure forwarded to the Secretary, Prime Minister's office, Government of India, South Block, New Delhi-110001, for information.



(M. Roy)

Officer on Special Duty

203

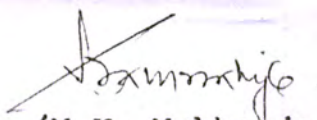
JUSTICE M.K.MUKHERJEE COMMISSION OF INQUIRY.

June 7, 2001

In compliance with the order dated January 25, 2001, passed by the Commission, Sri Kamal Pande, Secretary to the Government of India in the Ministry of Home Affairs, filed a supplementary affidavit on April 30, 2001 specifying the documents in respect of which privilege is being claimed by him under Article 74(2) of the Constitution of India and sections 123 and 124 of the Evidence Act. On receipt of the affidavit the Ministry of Home Affairs was asked to send back the files containing those documents which have since been received.

After perusing the documents in question, I feel that it will be appropriate to pass necessary orders in this regard after our visit to London to study the declassified records pertaining to Netaji Subhas Chandra Bose at the British Library and to examine certain persons as witnesses there.

Let a copy of this order be forwarded to the Secretary to the Ministry of Home Affairs.


(M.K. Mukherjee)

CHAIRMAN

(28)

JUSTICE MUKHERJEE COMMISSION OF INQUIRY
FOR INQUIRY INTO THE ALLEGED DISAPPEARANCE OF
NETAJI SUBHAS CHANDRA BOSE.
'B' Block, (Third Floor).
11/A Mirza Ghalib Street, Calcutta 700 087

Phone:

Chairman - 252-2934
Secretary - 252-2461
Officer on
Special Duty - 252-2465
Office - 252-2466

No. JMCI/ Meeting-Proceedings(Follow Up)/ -Calcutta, dated, the 19.06.2001.
48(Vol.II)/161(5)

From : Shri M. Roy, IAS (Retd.),
Officer on Special Duty

To : The Secretary,
Prime Minister's Office,
Government of India,
South Block,
New Delhi-110001.

S i r,

I am directed to send herewith a copy of the Status Report as on June 11, 2001 showing action taken on/compliance with the orders/directions of the Commission including those contained in the proceedings dated 04.04.2001 read with the proceedings dated 23.03.2000, 13.06.2000, 31.08.2000, 28.09.2000, 23.11.2000, and 22.12.2000 as also the orders dated 25.01.2001 in pursuance of the hearing dated 17.01.2001 of this Commission, for your kind perusal and favour of taking necessary action.

Yours faithfully,

M. Roy

(M. Roy)

Officer on Special Duty

Encl : As stated.

Have we filed it?

25/6

25/6

25/6

25/6

Pol
Draft Affidavit has been sent to S/O Legal Affairs for advice whether the affidavit is in order.
For information pl. Adv.

25/6

Seen, Thanks

25/6

45/6/6

27/6

P-11

Para 11 relates to action taken by PMO.

25/6

25/6

ADDL. SECY. TO PM

Dy. No. 1330-61

Date 22/6/01

788/12/01

Fax : 0091-033-252-2765

e-mail : jmcinscb@cal3.vsnl.net.in

205

Status Report as on 11.06.2001 showing action taken on/compliance with the orders/directions of the Commission including those contained in proceedings dated 04.04.2001 read with the proceedings dated 23.03.2000, 13.06.2000, 31.08.2000, 28.09.2000, 23.11.2000, and 22.12.2000 as also orders dated 25.01.2001 in pursuance of the hearing dated 17.01.2001 of Justice M.K. Mukherjee Commission of Inquiry.

1. Re : Examination of Witnesses

- (a) Fresh summonses have been sent to Sm. Prova Jagannathan and Shri Mubarak Mazdoor by Registered Post with A.D. for their examination as witnesses on the next date of hearing fixed on June 13, 2001 in compliance with the orders/directions contained in the proceedings dated April 4, 2001. A/D.s are awaited.
- (b) A letter bearing No.JMCI/Meeting-Proceedings (Follow Up)/48. Vol.III/70 dated May 14, 2001 was sent by Registered Post with A/D. to Shri Brojogopal Mukherjee, wherein Shri Mukherjee was directed to forward to the Commission within four weeks from the date of receipt of the said letter, an English version of the article, "Babu Bose : MANN HINTER DEN FRONTEN (Man behind the front)", said to have been published in the German magazine, "Inter Press" dated 28.10.49, supported by an affidavit to be duly sworn by Shri Mukherjee to the effect that it has been truly and correctly translated. The said letter was issued in compliance with the orders/directions contained in the proceedings dated April 4, 2001 of the Commission. The Acknowledgement Card bearing purported signature dated 19.05.2001 of Shri Mukherjee thereon has been received back.
- (c) Five witnesses were examined on Commission by Shri N.K. Panja, Principal Private Secretary at Lucknow in the last week of April, 2001.

2. Re : Claim of privilege

- (a) A supplementary affidavit dated April 27, 2001 sworn by Shri Kamal Pandey, Home Secretary, Government of India, in compliance with the order/direction dated

contd....P.2.

January 25, 2001 read with those dated April 4, 2001 of the Hon'ble Chairman, has been received on April 30, 2001.

- (b) The two files of the Ministry of Home Affairs, Government of India, which contain documents about which privilege has been claimed by the Home Secretary have been received back on call. In his order dated June 7, 2001, the Hon'ble Chairman has observed that appropriate orders regarding the said claim of privilege of the Home Secretary will be passed after the declassified documents/records at the British Library, London are perused and the witnesses available in the U.K. are examined during his visit to the U.K. in July, 2001.

3. Re : Examination of Dr.(Col.) Lakshmi Sehgal (Ex-INA)

Dr.(Col.) Lakshmi Sehgal has been examined on Commission at Kanpur by Shri P.K. Sengupta, Secretary of the Commission on June 4, 2001 in presence of some of the deponents including Shri V.P. Saini, Dr. Alokesh Bagchi, Shri Anil Krishna Mukherjee, and Shri Subrata Bose who cross-examined her.

4. Re : Examination of Shri Sugata Bose, S/o. Late Dr. Sisir Kumar Bose

In Commission's letter dated February 23, 2001 Shri Sugata Bose was requested inter alia to send an affidavit duly sworn by him in respect of his contentions that there is strong evidence that Netaji Subhas Chandra Bose had been tragically killed in an air crash in Taipei on 18th August, 1945 and that there is absolutely no evidence that Netaji was spotted in a variety of places subsequent to that day. He was further requested to furnish to the Commission xerox copies of all evidence collected by Dr. Sisir Kumar Bose as stated by him in his letter dated February 2, 2001 addressed to the Commission. In response to the said letter dated February 23, 2001, Shri Bose has simply enclosed with his letter dated May 14, 2001 a copy of his earlier letter dated February 2, 2001 bearing an endorsement of a Notary Public thereon. In Commission's letter dated May 25, 2001, the said letter dated May 14, 2001 of Shri Bose was

was acknowledged and Shri Bose was again requested to keep the Commission informed of his programme of next visit to India well-ahead so that the Commission may examine him as a witness, if required.

5. Re : Counter-affidavits of the Government of India to respond to the allegations/contentions/averments concerning them as incorporated in some affidavits.

- (i) Xerox copies of the affidavits/supplementary affidavits filed before the Commission by (a) Shri Jyotish Chandra Bose and eight others, (b) Shri Subrata Bose and two others, (c) All India Forward Bloc and another, (d) Shri Nirmal Sinha and three others, (e) Shri Madhusudan Pal, and (f) Shri Bijan Ghosh were sent by the Commission to the Secretary, Ministry of Home Affairs, Government of India, in September, 2000 so that the concerned Ministries/Departments of the Government of India, could file within six weeks, their respective counter-affidavits, if any, in respect of the averments/contentions/allegations contained in the aforesaid affidavits. No such counter-affidavits have yet been received.
- (ii) Shri Nandalal Chakravarty, one of the co-deponents of the affidavit/supplementary affidavits filed on behalf of Shri Jyotish Chandra Bose and eight others, has filed a petition dated May 25, 2001 with an enclosure thereto wherein he has mentioned various documents referred to in their aforesaid affidavit/supplementary affidavits and urged upon the Commission to take immediate steps for production of those documents by the appropriate authorities as the said documents are claimed by the said deponents to be having significant bearing on the issues under consideration of the Commission. Accordingly, xerox copies of the said petition dated May 25, 2001 and its enclosure were sent to the Secretary, Ministry of Home Affairs, Government of India, with Commission's letter No. JMCI/Affidavit-Averments(Follow Up)/2000-2001/67/132 dated May 30, 2001 with the request to arrange to furnish the original or authenticated copies of the documents mentioned therein.
- (iii) A xerox copy of the affidavit dated March 3, 2000 filed by Shri Usha Ranjan Bhattacharya along with one copy of the book authored by him titled, "Netaji was murdered in Red Fort" has been sent to the Secretary, Ministry of Home Affairs,

Government of India, as also to the Secretary, Ministry of External Affairs, Government of India under Commission's letters dated May 30, 2001 with the request that the concerned Ministries/Departments of the Government of India may file their respective counter-affidavits, if any, responding to the allegations made in the said affidavit and the book, within six weeks from the date of receipt of the letter.

6. Re : Paras (a)(i) and (a)(iii) of the proceedings dated March 23, 2000 of the Commission.

X | The position reflected in the Status Report as on April 2, 2001 (forenoon) remains unchanged. The Secretary, Ministry of Home Affairs, Government of India, has been requested in Commission's letter dated June 1, 2001 to ensure expeditious action for sending to the Commission the remaining files/documents concerned along with supporting affidavits by the concerned Ministries/Departments of the Government of India and to send to the Commission an interim "Action Taken Report" within four weeks from the date of receipt of the letter.

7. Re : Para B(i) of the proceedings dated August 31, 2000 of the Commission

The position reflected in the Status Report as on April 2, 2001 (forenoon) remains unchanged. The Secretary, Ministry of Home Affairs, Government of India, has been requested in Commission's letter dated June 1, 2001 that all the documents/records/files actually produced/filed/made exhibits before Justice Khosla Commission are required to be produced before this Commission immediately along with the supporting affidavits. He has also been requested to send to the Commission an interim "Action Taken Report" within four weeks from the date of receipt of the letter.

8. Re : Para B.5 of the proceedings dated November 23, 2000 of the Commission

The position reflected in the Status Report as on April 2, 2001 (forenoon) remains unchanged. The Secretary, Ministry of External Affairs, Government of India, has been requested in Commission's letter dated June 1, 2001 that all the exhibits/documents/records called for by and/or filed before the Shah Nawaz Khan Committee should be filed before this

Commission immediately with the supporting affidavit. He has also been requested to send to this Commission an interim "Action Taken Report" in the matter within four weeks from the date of receipt of the letter.

9. Re : Filing of affidavit by the Intelligence Bureau, Government of India, in respect of availability/non-availability of records pertaining to Netaji/I.N.A. in the Intelligence Bureau, Government of India.

The position reflected in the Status Report as on April 2, 2001 (forenoon) remains unchanged. The Secretary, Ministry of Home Affairs, Government of India, has been requested in Commission's letter dated June 1, 2001 to advise the Intelligence Bureau to file their requisite affidavit without any further avoidable delay and if the process of rechecking is yet to be completed by the Intelligence Bureau, they should submit an interim report stating clearly when they will file their duly sworn affidavit. The Secretary has also been requested to send to the Commission as quickly as possible a transcribed copy of the Micro-Film of the records given to the Shah Nawaz Khan Committee.

10. Re : Para 3(b)(iii) of the proceedings dated September 28, 2000 of the Commission

In Commission's letter dated June 1, 2001, Joint Secretary(I.S.), Ministry of Home Affairs, Government of India, has been requested with reference to her affidavit dated February 27, 2001 to send to the Commission immediately after due authentication the documents available with the Government of India out of the documents called for by the Commission in terms of its orders/directions contained in para 3(b)(iii) of its proceedings dated September 28, 2000.

11. Re : Para A(ii) of the proceedings dated August 31, 2000 of the Commission

The position reflected in the Status Report as on April 2, 2001 (forenoon) remains unchanged. The Secretary of the Prime Minister's office, Government of India, has been requested in Commission's letter dated June 1, 2001 to arrange to file before the Commission immediately an affidavit, duly sworn, stating :

- (a) Whether any of the files/records relevant to the terms of reference of this Commission has been destroyed;
- (b) If any such files/records have been destroyed -
 - (i) the details thereof;
 - (ii) the reasons for such destruction;
 - (iii) the date(s) when those were destroyed;
 - (iv) the place where those were destroyed; and
 - (v) whether copies of the documents contained in those destroyed files/records have been kept or maintained and if not, the reasons therefor.

He has also been requested to send to the Commission an interim "Action Taken Report" in the matter within four weeks from the date of receipt of the letter.

12. Re : Affidavit dated February 1, 2001 filed before the Commission by Shri Falguni Rajkumar, Joint Secretary, (TRG) C.A.O., of the Ministry of Defence, Government of India, New Delhi.

The position reflected in the Status Report as on April 2, 2001 (forenoon) remains unchanged. The Secretary, Ministry of Defence, Government of India, has been requested in Commission's letter No. JMCI/Records/N.Delhi/99-2000/37/92 dated May 23, 2001 to expedite submission before the Commission a duly sworn affidavit about existence or non-existence or availability or non-availability of the records of the proceedings of the trial of the I.N.A. personnel held at the Red Fort, New Delhi. He has also been ~~request~~ requested to expedite submission before the Commission complete records of the said proceedings if the same are available.

13. Re : Perusal of documents on Netaji/INA lying in different archives of Russian Union as also in the archives within the residual territory of the erstwhile USSR.

The position reflected in the Status Report as on April 2, 2001 (forenoon) remains unchanged. The Secretary, Ministry of Home Affairs, Government of India, has been reminded on April 17, 2001 and if necessary, will be reminded again after June 15, 2001 to know further development in the matter.

14. Re : Approach of the Government of India to the Government of U.S.A. with the request to make available to this Commission all documents, whether unclassified or declassified or classified, relating to Netaji Subhas Chandra Bose lying in the custody of C.I.A. or its predecessor, i.e. office of the Strategic Services.

The Secretary, Ministry of External Affairs, Government of India, was requested in Commission's letter No. JMCI/DOC(FOR)/-56/49 dated April 27, 2001, to kindly take up with the Government of U.S.A. the matter of making available to the Commission all the above-noted documents for scrutiny by or on behalf of the Commission and provide the Commission with Micro-Film/Micro-Fiche of the relevant documents for the purpose of its inquiry. The Ministry of External Affairs in their letter dated May 25, 2001, a copy of which was endorsed to the Commission, requested the Deputy Chief of Mission, Embassy of India, Washington, (U.S.A.) to take up the matter with the concerned authorities and keep informed the Ministry of External Affairs of their response.

15. Re : Revised Tour Programme of the Hon'ble Chairman of the Commission for visit to the U.K. accompanied by the Secretary of the Commission and the Director General of National Archives, Government of India, for a period of three weeks from 07.07.2001 to study the files/records at the British Library, London and to examine the witnesses who may be available there.

The above matter has been taken up with the Ministry of Home Affairs and the Ministry of External Affairs, Government of India, for Government sanction of air-fare to and fro London, T.A., local transport, etc. for the team of the Commission as also for arrangement of accommodation for the team of the Commission in London.

16. Re : The note of Mr. L. Lochner, an American Journalist and a Pulitzer Prize Winner, at page 130 of "The Goebbels Diaries" edited and translated by him stating inter alia that Subhas Chandra Bose "Left for Japan and, according to reports, was seized there by the Americans, tried and executed for treason."

The Secretary, Ministry of External Affairs, Government of India, was requested in Commission's letter No. JMCI/DOC(FOR)/99-2000/56/41 dated April 24, 2001 to send to the Commission

the present address of Mr. Lochner, if he is still alive, so that the Commission may communicate with Mr. Lochner and request him to produce documents, if any, in support of his claim that Netaji was captured by the Americans and was executed on the charge of treason. The Ministry of External Affairs, Government of India in their letter dated May 10, 2001, requested inter alia the Deputy Chief of Mission, Embassy of India, Washington, (U.S.A.) to furnish the information required by the Commission regarding Mr. Lochner and a copy of the said letter dated May 10, 2001 has been endorsed to the Commission. The Commission has in the meantime obtained from the local American Centre, through Internet, the information that Mr. Lochner died on January 8, 1975 in West Germany.

17. Re : The report captioned, "Sleeping Bomb lies in Netaji Vault" authored by Shri Chandan Nandy and published in the Telegraph, Calcutta edition, dated March 26, 2001.

In terms of the reply received from the Cabinet Secretariat, Government of India, contained in their letter dated 17.05.2001, the Secretary, Ministry of Home Affairs, Government of India, has been furnished with a xerox copy of the above report and has been requested in Commission's letter No. JMCI/Records/N.Delhi/99-2000/37/108 dated May 28, 2001 to send to the Commission a detailed report in the matter as expeditiously as possible.

18. Re : Examination of living Japanese Witnesses

Under Commission's letter No. JMCI/Overseas/Witnesses/2000-01/70/513 dated February 7, 2001, lists of Japanese witnesses examined before Shah Nawaz Khan Committee and Justice Khosla Commission were sent to the Ministry of External Affairs, Government of India, with the request to obtain the present address of each of the aforesaid witnesses who are still living and furnish the same to the Commission as expeditiously as possible to enable it to prepare a programme for examination of all the available witnesses in Japan. In response thereto, the Ministry of External Affairs, Government of India sent to the Commission a list of contact addresses of the Japanese witnesses. In Commission's letter dated April 11, 2001, the Ministry of External Affairs, Government

of India, was informed about the desire of the Hon'ble Chairman to visit Japan for the purpose of examination of living Japanese witnesses as also of other competent local witnesses. They were requested to extend the help of the Indian Embassy in Japan in the matter of publication of the Notice to be issued by the Commission for its hearing and to provide personnel, like, Stenographer, Interpreter from English to Japanese and vice-versa, Assistants and other supporting personnel besides providing equipments, like, Typewriter, Tape-recorder, etc. for the purpose of proposed hearing in Japan. The Ministry of External Affairs, Government of India, in their letter dated April 27, 2001, requested the Deputy Chief of Mission, Embassy of India, Tokyo, accordingly and a copy of the said letter was endorsed to this Commission. The Ministry of External Affairs, Government of India, with their letter dated May 18, 2001, sent a copy of the letter dated May 11, 2001 of the First Secretary, Embassy of India in Japan wherein the latter wanted to know inter alia the dates and duration of the proposed visit of the Commission to Japan. Further action in the matter is expected to be taken after finalisation of the tour programme of the Commission to the U.K.

19. : Re : Extension of the term of the Commission

A copy of the Notification No.S.O.429(E) dated May 14, 2001 published in the Gazette of India, Extraordinary, dated May 14, 2001 extending the term of the Commission for another year beyond 14.05.2001 has been received.

(29)
प्रधान मंत्री कार्यालय
PRIME MINISTER'S OFFICE

Most Immediate

214

नई दिल्ली-110 011
New Delhi-110 011

Subject: Filing of Supplementary Affidavit to the Justice Mukherjee Commission of Inquiry.

Please find enclosed a copy of letter dated 1.6.2001 received from the Justice Mukherjee Commission of Inquiry, Kolkata requesting to furnish a fresh Affidavit regarding destruction of records pertaining to the terms of reference of the Commission.

2. In pursuance of the Commission's enclosed request, this office proposes to file another Affidavit as per the draft enclosed herewith.

3. It is requested that department of Legal Affairs may kindly advise this office urgently, whether the draft Affidavit is in order.

Archana
[Archana Ranjan]
Director

Department of Legal Affairs

Secretary, Ministry of Law & Justice & Company Affairs,

PMO U.O. No. 915/11/C/2/2000-Pol

dated June 25, 2001

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PRIME MINISTER'S OFFICE

No.915/11/2/2000-Pol

dated June 25, 2001
29

To,

The Secretary,
Justice Mukherjee Commission of Inquiry
Netaji S.C. Bose.
B Block(Third Floor)
11/A Mirza Ghalib Street
Calcutta - 700087.


(Attention: Sh. P.K Sengupta)

Sir,


The undersigned is directed to refer to your letter No.JMCI/Meeting- Proceedings (follow-up)/48(Vol.III)/136 dated 1.6.2001 for filing of an affidavit sworn by a competent officer, not below the rank of Joint Secretary the Govt. of India regarding destruction of files.

Action is being taken to file the requisite Affidavit at the earliest.

Yours faithfully,


[Archana Ranjan]
Director

P-7-81N


727

(31)

216

Before the Honorable Justice Mukherjee Commission of Inquiry
at Calcutta.

In the matter of compliance with the orders/direction of the commission as passed in the proceeding held on 31.8.2000 and 28.9.2000 at Calcutta.

AFFIDAVIT

I, Jarnail Singh son of Late Shri Dalip Singh, working as Joint Secretary in the Prime Minister's Office do solemnly affirm and state as under :

(i) That this office file No.12(226)-56-PM which contained agenda papers of Cabinet decision regarding **"Investigation into the circumstances leading to the death of Shri Subhash Chandra Bose"**, as per the record maintained in this office, had been destroyed on 6.3.1972 in the course of routine review of old records. This weeding out was done according to the extant instructions which enjoin that only original Cabinet documents are to be kept permanently in the Cabinet Secretariat. The papers sent to other Ministries/Offices are copies of the original, which are maintained in the Cabinet Sectt. The papers in this office were also only copies. *Photocopies of two notes relating to the destruction of the file are at Annex II, & III respectively.*

(as done in original affidavit - at F/A)

(ii) That certain documents of file No.23(156)/51-PM regarding **"Disposal of properties of Indian National Army in the far East"** had been destroyed while recording the file in 1969. The list of papers destroyed are available in the file and photo copy of the said file has been made available to the Commission.

(iii) It is further certified that no copy of the file destroyed or documents destroyed has been retained in this office.

As mentioned in (i) & (ii) above.

.....2/-

which file (should not we specify)

217

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Verification

I, Jarnail Singh, declare and affirm that what is stated above is true to my knowledge. No part of the Affidavit is false and no material information has been concealed.

Verified at New Delhi on June, 2001.

Before the Honorable Justice Mukherjee Commission of Inquiry
at Calcutta.

In the matter of compliance with the orders/direction of the commission as passed in the proceeding held on 31.8.2000 and 28.9.2000 at Calcutta.

AFFIDAVIT

I, Jarnail Singh son of Late Shri Dalip Singh, working as Joint Secretary in the Prime Minister's Office do solemnly affirm and state as under :

- (i) That ^{this office} ~~our~~ file No.12(226)-56-PM ~~of this office~~ which contain^{ed} agenda papers of Cabinet decision regarding "Investigation into the circumstances leading to the death of Shri Subhash Chandra Bose", as per the record^{maintained} in this office, had been destroyed on 6.3.1972 in the course of routine review of old records, ^{this weeding out} which was done as per ^{according to} the extant instructions ^{which enjoin that only} because original ~~of~~ Cabinet documents are ^{to be} kept permanently in the Cabinet Secretariat. ^{The papers sent to other Ministries/Offices are copies of the original, which are maintained in the Cabinet Sectt. The papers in this Office were also only copies.}
- (ii) That certain documents of file No.23(156)/51-PM regarding "Disposal of properties of Indian National Army in the far East" had been destroyed while recording the file in 1969. The list of papers destroyed are available in the file and photo copy of the said file has been made available to the Commission.
- (iii) It is further certified that no copy of the file destroyed or documents destroyed ^{been} ~~has~~ retained in this office.

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-2-

Verification

I, Jarnail Singh, declare and affirm that what is stated above is true to my knowledge. No part of the Affidavit is false and no material has been concealed.

Information

Verified at

New Delhi on June, 2001.

32

220

MINISTRY OF LAW, JUSTICE & Co. AFFAIRS
DEPTT. OF LEGAL AFFAIRS

Dy No. 21386/01(B)

Sm. 29/c

From the U.O. Note dated 25.6.2001, it appears that the Prime Minister's Office is required to file fresh affidavit regarding destruction of record pertaining to the terms of reference of the Commission. The earlier affidavit filed by the PMO in this regard is not available on the file. The same may please be linked.

The affidavit is required to be filed regarding destruction of records pertaining to the terms of reference of the Commission. However Annexure II to the draft affidavit relates to the file regarding investigation into the circumstances leading to the death of Shri Subhash Chander Bose. There is no indication that this files contains the record pertaining to the terms of reference of the Commission. If the said file contained the relevant record and has been destroyed, it needs to be clarified as to on what basis the PMO has come to the conclusion that this is the file which contained the relevant record?] x

The affidavit is required to be signed at two places - one immediately after the contents of the affidavit and also after the verification.

In the verification, it is stated that the statement made in the affidavit is true to "my knowledge". In case the statement is based on the information derived from the record and is not based on personal knowledge of the officer, it needs to be clarified in the verification.

We would suggest that the affidavit proposed to be filed may be finalized in consultation with the Counsel who is appearing before the Commission on behalf of PMO. The affidavit so finalized may be got vetted from this Department, if felt necessary.

(P.K. Malhotra)
Additional Legal Adviser
27.6.2001

Prime Minister's Office
(Attn.: Ms Archana Ranjan, Director)

Deptt. of Legal Affairs,
U. No. 21386/01(B) Adv. (B)

28/6/01

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प्रधान मंत्री कार्यालय
PRIME MINISTER'S OFFICE

नई दिल्ली-110 011
New Delhi-110 011

Subject: Filing of Supplementary Affidavit to the Justice Mukherjee Commission of Inquiry.

J.S. No. 436-I
Dy. No. 436-I
Date: 26/6/2001

Please find enclosed a copy of letter dated 1.6.2001 received from the Justice Mukherjee Commission of Inquiry, Kolkata requesting to furnish a fresh Affidavit regarding destruction of records pertaining to the terms of reference of the Commission.

2. In pursuance of the Commission's ~~enclosed~~ request, this office proposes to file another Affidavit as per the draft enclosed herewith.

3. It is requested that department of Legal Affairs may kindly advise this office urgently, whether the draft Affidavit is in order.

Law Secy (on tour abroad)

Law Secretary's Office
Dy No 493-6
Date 26/6

JS&LA (BAA)

Archana Ranjan
[Archana Ranjan]
Director

B
26/6/01

Department of Legal Affairs
Secretary, Ministry of Law & Justice & Company Affairs,

PMO U.O. No. 915/11/C/2/2000-Pol

dated June 25, 2001

(विधि कार्य विभाग)

(Dept. of Legal Affairs)

Adv. (B)
Dy. No. 386/101
दिनांक/Date: 27/6/01

Before the Honorable Justice Mukherjee Commission of Inquiry
at Calcutta.

In the matter of compliance with the orders/direction of the commission as passed in the proceeding held on 31.8.2000, and 28.9.2000 at Calcutta *and Commission's letter dt. 1.6.2000.*

AFFIDAVIT

I, Jarnail Singh son of Late Shri Dalip Singh, working as Joint Secretary in the Prime Minister's Office do solemnly affirm and state (as under)

- (i) That this office file No.12(226)-56-PM which contained agenda papers of Cabinet decision regarding **"Investigation into the circumstances leading to the death of Shri Subhash Chandra Bose"**, as per the record maintained in this office, had been destroyed on 6.3.1972 in the course of routine review of old records. This weeding out was done according to the extant instructions which enjoin that only original Cabinet documents are to be kept permanently in the Cabinet Secretariat. The papers sent to other Ministries/Offices are copies of the original, which are maintained in the Cabinet Sectt. The papers in this office were also only copies. Photocopies of two notes relating to the destruction of the file are at Annex II & IIA respectively.
- (ii) That certain documents of file No.23(156)/51-PM regarding **"Disposal of properties of Indian National Army in the far East"** had been destroyed while recording the file in 1969. The list of papers destroyed are available in the file and photo copy of the said file has been made available to the Commission.
- (iii) It is further certified that no copy of the file destroyed or documents destroyed as mentioned in (i) & (ii) above has been retained in this office. *because no such need was felt*

(.....)
Deponent

Verification

I, Jarnail Singh, declare and affirm that what is stated above is true ~~to my knowledge~~. No part of the Affidavit is false and no material information has been concealed.

Verified at

New Delhi on June, 2001.

*and based on the information
derived from the record of this office.*

33
224
Through FAX [033-248-2313]

3 pages (including this)

PRIME MINISTER'S OFFICE

No. 915/11/C/2/2000-Pol

dated: 9th July, 2001

To,

Shri Tarkeshwar Pal,
Senior Counsel to the Govt. of India,
In Justice Mukherjee Commission,
Bar Association, Room No. 5,
Calcutta High Court,
KOLKATA-700069.

Sir,

In pursuance of Commissions letter dated 1.6.2001 (copy enclosed) this office propose to file an Affidavit. A copy of the draft Affidavit is sent herewith.

2. It is requested that kindly let us know positively by 11.7.2001 through FAX whether the draft Affidavit is in order.

Yours faithfully,

Alok

(Alok Mukhopadhyay)
Under Secretary (Pol)

Tel. No. 301 0976

FAX No. 301-6857

301-9545

Before the Honorable Justice Mukherjee Commission of Inquiry
at Calcutta.

In the matter of compliance with the orders/direction of the commission as passed in the proceeding held on 31.8.2000 and 28.9.2000 at Calcutta and Commission letter dated 1.6.2000.

AFFIDAVIT

I, Jarnail Singh son of Late Shri Dalip Singh, working as Joint Secretary in the Prime Minister's Office do solemnly affirm and state as under :-

- (i) That this office file No. 12(226)-56/PM and certain documents of another file No. 23(156)/51-PM of this office which might have same bearing with the terms of reference of the Commission have been destroyed.
- (ii) That this office file No. 12(226)-56-PM which contained agenda papers of Cabinet decision regarding **"Investigation into the circumstances leading to the death of Shri Subhash Chandra Bose"**, as per the record maintained in this office, had been destroyed on 6.3.1972 in the course of routine review of old records. This weeding out was done according to the extant instructions which enjoin that only original Cabinet documents are to be kept permanently in the Cabinet Secretariat. The papers sent to other Ministries/Offices are copies of the original, which are maintained in the Cabinet Sectt. The papers in this office were also only copies. Photocopies of two notes relating to the destruction of the file are at Annex II & IIA respectively.
- (iv) That certain documents of file No. 23(156)/51-PM regarding **"Disposal of properties of Indian National Army in the far East"** had been destroyed while recording the file in 1969. The list of papers destroyed are available in the file and photo copy of the said file has been made available to the Commission.2/-

-2-

- (iv) It is further certified that no copy of the file destroyed or documents destroyed as mentioned in (i) & (ii) above has been retained in this office because no such need was felt.

Deponent

Verification

I, Jarnail Singh, based on the information derived from the record of this office declare and affirm that what is stated above is true. No part of the Affidavit is false and no material information has been concealed.

Verified at

New Delhi on July, 2001.

TRANSMISSION VERIFICATION REPORT

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Through FAX [033-248-2313]

PRIME MINISTER'S OFFICE

No. 915/11/C/2/2000-Pol

dated: 6th July, 2001

To,

Shri Tarkeshwar Pal,
Senior Counsel to the Govt. of India,
In Justice Mukherjee Commission,
Bar Association, Room No. 5,
Calcutta High Court,
KOLKATA-700069.

Sir,

In pursuance of Commissions letter dated 1.6.2001 (copy enclosed) this office propose to file an Affidavit. A copy of the draft Affidavit is sent herewith.

2. It is requested that kindly let us know positively by 11.7.2001 through FAX whether the draft Affidavit is in order.

Yours faithfully,

Aur
(Alok Mukhopadhyay)
Under Secretary (Pol)

Tel. No. 301 0976

FAX No. 301-6857

301-9545

14:18

31 33 248 3313

BAR ASS. CAL/H.C

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001



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Through Fax No.

011 - 301 - 6857
011 - 301 - 9545

From : Tarakeswar Pal,

Advocate

HIGH COURT CALCUTTA

Bar Association Room No. 5

Phones : 248-3190/3169

Fax : (033) 248-2313

E-mail : barasohc@cal.cmc.net.in

Residence :

"Purnasasi"

33, Asoke Avenue,
Kolkata - 700 040

Phone : 471-0592 Fax : 471-1

To
Shri Lok Mukhopadhyay,
Under Secretary (Pol),
Prime Minister's Office,
New Delhi - 110 001.

Senior Counsel to the Govt. of
India in Justice Mukherjee
Commission.

July, 10, 2001

Dear Sir,

Re : Settling of the draft Affidavit of Shri Jarnail
Singh, Joint Secretary, as per your letter No.
915/11/C/2/2000-Pol dated 9th July, 2001 received
by me on 9th July, 2001 by Fax.

In reference to above the said Affidavit should
include as follows.

1. In Para (iv) which should be (v) add at the last after
"available to the Commission" by letter No. _____
dated _____ by _____
Office. The xerox copies so sent to _____
No. _____ dated _____
original file. _____
_____ of the Prime Minister's
_____ Commission by letter
_____ all true copies of _____

2. Delete "because no such need" from the last of
para of the draft Affidavit numbered as _____ should be (v).

3. Add the following para :

"(vi) The xerox copies of the following files as sent to
the Hon'ble Commission vide letter No. _____ dated _____
by _____ of the Prime Minister's office are all true
and authentic copies of the said files, i.e.,

- a) 23(156)/51-P.M.
- b) 23(11)-56-57 P.M.
- c) 249-INA.
- d) 108-INA, and
- e) 205-INA.

to not
belong to
P.M.O.

(being items of the Para A (iii) of the Proceeding dated
31st August, 2000 of the Hon'ble Commission)".

Not
resp.



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From : Tarakeswar Pal,
Advocate
HIGH COURT CALCUTTA
Bar Association Room No. 5
Phones : 248-3190/3169
Fax : (033) 248-2313
E-mail : barasohc@cal.cmc.net.in
Residence :
"Purnasasi"

- 2 -

33, Asoke Avenue, Kolkata-700 0

Phone : 471-0592 Fax : 471-120

Senior Counsel to the Govt. of India in
Justice Mukherjee Commission.

4. Add the following Para :
(vii) That except the Annexures II & IIA hereto and the files as mentioned in items (a) to (e) in the foregoing Paragraph No. (vi) the Prime Minister's Office has no record of file as has been asked for by the Hon'ble Commission by its proceedings dated 23rd March, 2000 ; 13th June, 2000 and 31st August, 2000 from the Prime Minister's Office. They are destroyed for
5. For the above, kindly consult the proceedings as mentioned along with my letter dated 6/12th April, 2001 addressed to Smt. Archana Ranjan, Director of your office and received by her office on 17th April, 2001.
6. For complete compliance of the order of the Hon'ble Commission a conference may be arranged and an officer may be sent to see here.
7. Be it mentioned that kindly do not specify any time limit in the matters of settling or investigation, as I generally, like others, remain pre-occupied as per requisition of the Hon'ble Court and hence without prior programme kindly do not specify such time. You know, the matters involved in the affidavit are all old matters.
8. However by the way I inform hereby that my office Fax No. is 033-248-2313 and my residence Fax No. is 033-471-1204. Your Fax dated 9th July, 2001 has been received by me through my said office Fax No. 033-248-2313. But another Fax has been served by a private Commercial Firm having Fax No. 033-248-7589 for which they are claiming exorbitant money. I do not know how it has gone to them. Fax to 033-248-7589 ? kindly confirm. If not, I guess, there is some tapping affair which should be complained to the proper authority. Kindly confirm mentioning time of Faxes(?).

Thanking you,

Yours faithfully,

Tarakeswar Pal
(TARAKESWAR PAI)
ADVOCATE.

Before the Honorable Justice Mukherjee Commission of Inquiry
at Calcutta.

In the matter of compliance with the orders/direction of the commission as passed in the proceeding held on 31.8.2000 and 28.9.2000 at Calcutta and Commission letter dated 1.6.2000.

AFFIDAVIT

I, Jarnail Singh son of Late Shri Dalip Singh, working as Joint Secretary in the Prime Minister's Office do solemnly affirm and state as under :-

(i) That this office file No. 12(226)-56/PM and certain documents of another file No. 23(156)/51-PM of this office which might have same bearing with the terms of reference of the Commission have been destroyed.

(ii) That this office file No. 12(226)-56-PM which contained agenda papers of Cabinet decision regarding "Investigation into the circumstances leading to the death of Shri Subhash Chandra Bose", as per the record maintained in this office, had been destroyed on 6.3.1972 in the course of routine review of old records. This weeding out was done according to the extant instructions which enjoin that only original Cabinet documents are to be kept permanently in the Cabinet Secretariat. The papers sent to other Ministries/Offices are copies of the original, which are maintained in the Cabinet Sectt. The papers in this office were also only copies. Photocopies of two notes relating to the destruction of the file are at Annex II & IIA respectively.

(iii) (iv) That certain documents of file No. 23(156)/51-PM regarding "Disposal of properties of Indian National Army in the far East" had been destroyed while recording the file in 1969. The list of papers destroyed are available in the file and photo copy of the said file has been made available to the Commission. vide... the office

Letter NO. 915/11/C/2/2000-Pol dt. 4.7.2000. by Smt Archana Ranjan, Director, Prime Minister's Office.

(iv) That xerox copies so sent to the Hon'ble Commission by Letter NO. 915/11/C/2/2000-Pol dt. 4.7.2000 and 25.7.2000 are all true copies of the original files.

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-2-

- (v) It is further certified that no copy of the file destroyed or documents destroyed as mentioned in (i) & (ii) above has been retained in this office ~~[because no such need was felt.]~~

Deponent

Verification

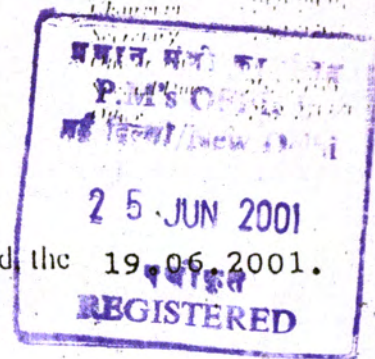
I, Jarnail Singh, based on the information derived from the record of this office declare and affirm that what is stated above is true. No part of the Affidavit is false and no material information has been concealed.

Verified at

New Delhi on July, 2001.

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REGISTERED WITH A/D.
JUSTICE MUKHERJEE COMMISSION OF INQUIRY
FOR INQUIRY INTO THE ALLEGED DISAPPEARANCE OF
NETAJI SUBHAS CHANDRA BOSE.
'B' Block, (Third Floor)
11/A Mirza Ghalib Street, Calcutta 700 087

Phone:



No. JMCI/ Meeting-Proceedings(Follow Up)/ -Calcutta, dated the 19.06.2001.
48(Vol.II)/161(5)

From : Shri M. Roy, IAS (Retd.),
Officer on Special Duty

To : 1) The Secretary, Ministry of Home Affairs, G.O.I.
2) -do- , Ministry of External Affairs, G.O.I.
3) -do- , Prime Minister's Office, G.O.I.
4) -do- , Defence Department, G.O.I.,
5) -do- , Cabinet Sectt., G.O.I.

S i r,

Ex Sec

I am directed to send herewith a copy of the Status Report as on June 11, 2001 showing action taken on/compliance with the orders/directions of the Commission including those contained in the proceedings dated 04.04.2001 read with the proceedings dated 23.03.2000, 13.06.2000, 31.08.2000, 28.09.2000, 23.11.2000, and 22.12.2000 as also the orders dated 25.01.2001 in pursuance of the hearing dated 17.01.2001 of this Commission, for your kind perusal and favour of taking necessary action.

For kind perusal.
u2
u4

Yours faithfully,

Thanks. Dms
Concerns Pol. Section. NGO has no action to take.
28/6/01
u5/NE

(M. Roy)

Officer on Special Duty

Encl : As stated.

u5(Pol)
fm
28/6
P-111

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Status Report as on 11.06.2001 showing action taken on/compliance with the orders/directions of the Commission including those contained in proceedings dated 04.04.2001 read with the proceedings dated 23.03.2000, 13.06.2000, 31.08.2000, 28.09.2000, 23.11.2000, and 22.12.2000 as also orders dated 25.01.2001 in pursuance of the hearing dated 17.01.2001 of Justice M.K. Mukherjee Commission of Inquiry.

1. Re : Examination of Witnesses

- (a) Fresh summonses have been sent to Sm. Prova Jagannathan and Shri Mubarak Mazdoor by Registered Post with A.D. for their examination as witnesses on the next date of hearing fixed on June 13, 2001 in compliance with the orders/directions contained in the proceedings dated April 4, 2001. A/D.s are awaited.
- (b) A letter bearing No.JMCI/Meeting-Proceedings (Follow Up)/48. Vol.III/70 dated May 14, 2001 was sent by Registered Post with A/D. to Shri Brojogopal Mukherjee, wherein Shri Mukherjee was directed to forward to the Commission within four weeks from the date of receipt of the said letter, an English version of the article, "Babu Bose : MANN HINTER DEN FRONTEN (Man behind the front)", said to have been published in the German magazine, "Inter Press" dated 28.10.49, supported by an affidavit to be duly sworn by Shri Mukherjee to the effect that it has been truly and correctly translated. The said letter was issued in compliance with the orders/directions contained in the proceedings dated April 4, 2001 of the Commission. The Acknowledgement Card bearing purported signature dated 19.05.2001 of Shri Mukherjee thereon has been received back.
- (c) Five witnesses were examined on Commission by Shri N.K. Panja, Principal Private Secretary at Lucknow in the last week of April, 2001.

2. Re : Claim of privilege

- (a) A supplementary affidavit dated April 27, 2001 sworn by Shri Kamal Pandey, Home Secretary, Government of India, in compliance with the order/direction dated

contd....P.2.

January 25, 2001 read with those dated April 4, 2001 of the Hon'ble Chairman, has been received on April 30, 2001.

- (b) The two files of the Ministry of Home Affairs, Government of India, which contain documents about which privilege has been claimed by the Home Secretary have been received back on call. In his order dated June 7, 2001, the Hon'ble Chairman has observed that appropriate orders regarding the said claim of privilege of the Home Secretary will be passed after the declassified documents/records at the British Library, London are perused and the witnesses available in the U.K. are examined during his visit to the U.K. in July, 2001.

3. Re : Examination of Dr.(Col.) Lakshmi Sehgal (Ex-INA)

Dr.(Col.) Lakshmi Sehgal has been examined on Commission at Kanpur by Shri P.K. Sengupta, Secretary of the Commission on June 4, 2001 in presence of some of the deponents including Shri V.P. Saini, Dr. Alokesh Bagchi, Shri Anil Krishna Mukherjee, and Shri Subrata Bose who cross-examined her.

4. Re : Examination of Shri Sugata Bose, S/o. Late Dr. Sisir Kumar Bose

In Commission's letter dated February 23, 2001 Shri Sugata Bose was requested inter alia to send an affidavit duly sworn by him in respect of his contentions that there is strong evidence that Netaji Subhas Chandra Bose had been tragically killed in an air crash in Taipei on 18th August, 1945 and that there is absolutely no evidence that Netaji was spotted in a variety of places subsequent to that day. He was further requested to furnish to the Commission xerox copies of all evidence collected by Dr. Sisir Kumar Bose as stated by him in his letter dated February 2, 2001 addressed to the Commission. In response to the said letter dated February 23, 2001, Shri Bose has simply enclosed with his letter dated May 14, 2001 a copy of his earlier letter dated February 2, 2001 bearing an endorsement of a Notary Public thereon. In Commission's letter dated May 25, 2001, the said letter dated May 14, 2001 of Shri Bose was

was acknowledged and Shri Bose was again requested to keep the Commission informed of his programme of next visit to India well-ahead so that the Commission may examine him as a witness, if required.

5. Re : Counter-affidavits of the Government of India to respond to the allegations/contentions/averments concerning them as incorporated in some affidavits.

(i) Xerox copies of the affidavits/supplementary affidavits filed before the Commission by (a) Shri Jyotish Chandra Bose and eight others, (b) Shri Subrata Bose and two others, (c) All India Forward Bloc and another, (d) Shri Nirmal Sinha and three others, (e) Shri Madhusudan Pal, and (f) Shri Bijan Ghosh were sent by the Commission to the Secretary, Ministry of Home Affairs, Government of India, in September, 2000 so that the concerned Ministries/Departments of the Government of India, could file within six weeks, their respective counter-affidavits, if any, in respect of the averments/contentions/allegations contained in the aforesaid affidavits. No such counter-affidavits have yet been received.

(ii) Shri Nandalal Chakravarty, one of the co-deponents of the affidavit/supplementary affidavits filed on behalf of Shri Jyotish Chandra Bose and eight others, has filed a petition dated May 25, 2001 with an enclosure thereto wherein he has mentioned various documents referred to in their aforesaid affidavit/supplementary affidavits and urged upon the Commission to take immediate steps for production of those documents by the appropriate authorities as the said documents are claimed by the said deponents to be having significant bearing on the issues under consideration of the Commission. Accordingly, xerox copies of the said petition dated May 25, 2001 and its enclosure were sent to the Secretary, Ministry of Home Affairs, Government of India, with Commission's letter No. JMCI/Affidavit-Averments(Follow Up)/2000-2001/67/132 dated May 30, 2001 with the request to arrange to furnish the original or authenticated copies of the documents mentioned therein.

(iii) A xerox copy of the affidavit dated March 3, 2000 filed by Shri Usha Ranjan Bhattacharya along with one copy of the book authored by him titled, "Netaji was murdered in Red Fort" has been sent to the Secretary, Ministry of Home Affairs,

Government of India, as also to the Secretary, Ministry of External Affairs, Government of India under Commission's letters dated May 30, 2001 with the request that the concerned Ministries/Departments of the Government of India may file their respective counter-affidavits, if any, responding to the allegations made in the said affidavit and the book, within six weeks from the date of receipt of the letter.

6. Re : Paras (a)(i) and (a)(iii) of the proceedings dated March 23, 2000 of the Commission.

The position reflected in the Status Report as on April 2, 2001 (forenoon) remains unchanged. The Secretary, Ministry of Home Affairs, Government of India, has been requested in Commission's letter dated June 1, 2001 to ensure expeditious action for sending to the Commission the remaining files/documents concerned along with supporting affidavits by the concerned Ministries/Departments of the Government of India and to send to the Commission an interim "Action Taken Report" within four weeks from the date of receipt of the letter.

7. Re : Para B(i) of the proceedings dated August 31, 2000 of the Commission

The position reflected in the Status Report as on April 2, 2001 (forenoon) remains unchanged. The Secretary, Ministry of Home Affairs, Government of India, has been requested in Commission's letter dated June 1, 2001 that all the documents/records/files actually produced/filed/made exhibits before Justice Khosla Commission are required to be produced before this Commission immediately along with the supporting affidavits. He has also been requested to send to the Commission an interim "Action Taken Report" within four weeks from the date of receipt of the letter.

8. Re : Para B.5 of the proceedings dated November 23, 2000 of the Commission

The position reflected in the Status Report as on April 2, 2001 (forenoon) remains unchanged. The Secretary, Ministry of External Affairs, Government of India, has been requested in Commission's letter dated June 1, 2001 that all the exhibits/documents/records called for by and/or filed before the Shah Nawaz Khan Committee should be filed before this

Commission immediately with the supporting affidavit. He has also been requested to send to this Commission an interim "Action Taken Report" in the matter within four weeks from the date of receipt of the letter.

9. Re : Filing of affidavit by the Intelligence Bureau, Government of India, in respect of availability/non-availability of records pertaining to Netaji/I.N.A. in the Intelligence Bureau, Government of India.

The position reflected in the Status Report as on April 2, 2001 (forenoon) remains unchanged. The Secretary, Ministry of Home Affairs, Government of India, has been requested in Commission's letter dated June 1, 2001 to advise the Intelligence Bureau to file their requisite affidavit without any further avoidable delay and if the process of rechecking is yet to be completed by the Intelligence Bureau, they should submit an interim report stating clearly when they will file their duly sworn affidavit. The Secretary has also been requested to send to the Commission as quickly as possible a transcribed copy of the Micro-Film of the records given to the Shah Nawaz Khan Committee.

10. Re : Para 3(b)(iii) of the proceedings dated September 28, 2000 of the Commission

In Commission's letter dated June 1, 2001, Joint Secretary(I.S.), Ministry of Home Affairs, Government of India, has been requested with reference to her affidavit dated February 27, 2001 to send to the Commission immediately after due authentication the documents available with the Government of India out of the documents called for by the Commission in terms of its orders/directions contained in para 3(b)(iii) of its proceedings dated September 28, 2000.

11. Re : Para A(ii) of the proceedings dated August 31, 2000 of the Commission

The position reflected in the Status Report as on April 2, 2001 (forenoon) remains unchanged. The Secretary of the Prime Minister's office, Government of India, has been requested in Commission's letter dated June 1, 2001 to arrange to file before the Commission immediately an affidavit, duly sworn, stating :

- (a) Whether any of the files/records relevant to the terms of reference of this Commission has been destroyed;
- (b) If any such files/records have been destroyed -
 - (i) the details thereof;
 - (ii) the reasons for such destruction;
 - (iii) the date(s) when those were destroyed;
 - (iv) the place where those were destroyed; and
 - (v) whether copies of the documents contained in those destroyed files/records have been kept or maintained and if not, the reasons therefor.

He has also been requested to send to the Commission an interim "Action Taken Report" in the matter within four weeks from the date of receipt of the letter.

12. Re : Affidavit dated February 1, 2001 filed before the Commission by Shri Falguni Rajkumar, Joint Secretary, (TRG) C.A.O., of the Ministry of Defence, Government of India, New Delhi.

The position reflected in the Status Report as on April 2, 2001 (forenoon) remains unchanged. The Secretary, Ministry of Defence, Government of India, has been requested in Commission's letter No. JMCI/Records/N.Delhi/99-2000/37/92 dated May 23, 2001 to expedite submission before the Commission a duly sworn affidavit about existence or non-existence or availability or non-availability of the records of the proceedings of the trial of the I.N.A. personnel held at the Red Fort, New Delhi. He has also been ~~request~~ requested to expedite submission before the Commission complete records of the said proceedings if the same are available.

13. Re : Perusal of documents on Netaji/INA lying in different archives of Russian Union as also in the archives within the residual territory of the erstwhile USSR.

The position reflected in the Status Report as on April 2, 2001 (forenoon) remains unchanged. The Secretary, Ministry of Home Affairs, Government of India, has been reminded on April 17, 2001 and if necessary, will be reminded again after June 15, 2001 to know further development in the matter.

- Re : Approach of the Government of India to the Government of U.S.A. with the request to make available to this Commission all documents, whether unclassified or declassified or classified, relating to Netaji Subhas Chandra Bose lying in the custody of C.I.A. or its predecessor, i.e. office of the Strategic Services.

The Secretary, Ministry of External Affairs, Government of India, was requested in Commission's letter No. JMCI/DOC(FOR)/-56/49 dated April 27, 2001, to kindly take up with the Government of U.S.A. the matter of making available to the Commission all the above-noted documents for scrutiny by or on behalf of the Commission and provide the Commission with Micro-Film/Micro-Fiche of the relevant documents for the purpose of its inquiry. The Ministry of External Affairs in their letter dated May 25, 2001, a copy of which was endorsed to the Commission, requested the Deputy Chief of Mission, Embassy of India, Washington, (U.S.A.) to take up the matter with the concerned authorities and keep informed the Ministry of External Affairs of their response.

15. Re : Revised Tour Programme of the Hon'ble Chairman of the Commission for visit to the U.K. accompanied by the Secretary of the Commission and the Director General of National Archives, Government of India, for a period of three weeks from 07.07.2001 to study the files/records at the British Library, London and to examine the witnesses who may be available there.

The above matter has been taken up with the Ministry of Home Affairs and the Ministry of External Affairs, Government of India, for Government sanction of air-fare to and fro London, T.A., local transport, etc. for the team of the Commission as also for arrangement of accommodation for the team of the Commission in London.

16. Re : The note of Mr. L. Lochner, an American Journalist and a Pulitzer Prize Winner, at page 130 of "The Goebbels Diaries" edited and translated by him stating inter alia that Subhas Chandra Bose "Left for Japan and, according to reports, was seized there by the Americans, tried and executed for treason."

The Secretary, Ministry of External Affairs, Government of India, was requested in Commission's letter No. JMCI/DOC(FOR)/99-2000/56/41 dated April 24, 2001 to send to the Commission

the present address of Mr. Lochner, if he is still alive, so that the Commission may communicate with Mr. Lochner and request him to produce documents, if any, in support of his claim that Netaji was captured by the Americans and was executed on the charge of treason. The Ministry of External Affairs, Government of India in their letter dated May 10, 2001, requested inter alia the Deputy Chief of Mission, Embassy of India, Washington, (U.S.A.) to furnish the information required by the Commission regarding Mr. Lochner and a copy of the said letter dated May 10, 2001 has been endorsed to the Commission. The Commission has in the meantime obtained from the local American Centre, through Internet, the information that Mr. Lochner died on January 8, 1975 in West Germany.

17. Re : The report captioned, "Sleeping Bomb lies in Netaji Vault" authored by Shri Chandan Nandy and published in the Telegraph, Calcutta edition, dated March 26, 2001.

In terms of the reply received from the Cabinet Secretariat, Government of India, contained in their letter dated 17.05.2001, the Secretary, Ministry of Home Affairs, Government of India, has been furnished with a xerox copy of the above report and has been requested in Commission's letter No. JMCI/Records/N.Delhi/99-2000/37/108 dated May 28, 2001 to send to the Commission a detailed report in the matter as expeditiously as possible.

18. Re : Examination of living Japanese Witnesses

Under Commission's letter No. JMCI/Overseas/Witnesses/2000-01/70/513 dated February 7, 2001, lists of Japanese witnesses examined before Shah Nawaz Khan Committee and Justice Khosla Commission were sent to the Ministry of External Affairs, Government of India, with the request to obtain the present address of each of the aforesaid witnesses who are still living and furnish the same to the Commission as expeditiously as possible to enable it to prepare a programme for examination of all the available witnesses in Japan. In response the Ministry of External Affairs, Government of India to the Commission a list of contact addresses of the Japanese witnesses. In Commission's letter dated April 11, 2001, the Ministry of External Affairs, Government

of India, was informed about the desire of the Hon'ble Chairman to visit Japan for the purpose of examination of living Japanese witnesses as also of other competent local witnesses. They were requested to extend the help of the Indian Embassy in Japan in the matter of publication of the Notice to be issued by the Commission for its hearing and to provide personnel, like, Stenographer, Interpreter from English to Japanese and vice-versa, Assistants and other supporting personnel besides providing equipments, like, Typewriter, Tape-recorder, etc. for the purpose of proposed hearing in Japan. The Ministry of External Affairs, Government of India, in their letter dated April 27, 2001, requested the Deputy Chief of Mission, Embassy of India, Tokyo, accordingly and a copy of the said letter was endorsed to this Commission. The Ministry of External Affairs, Government of India, with their letter dated May 18, 2001, sent a copy of the letter dated May 11, 2001 of the First Secretary, Embassy of India in Japan wherein the latter wanted to know inter alia the dates and duration of the proposed visit of the Commission to Japan. Further action in the matter is expected to be taken after finalisation of the tour programme of the Commission to the U.K.

19. : Re : Extension of the term of the Commission

A copy of the Notification No.S.O.429(E) dated May 14, 2001 published in the Gazette of India, Extraordinary, dated May 14, 2001 extending the term of the Commission for another year beyond 14.05.2001 has been received.

S.No 37

JUSTICE MUKHERJEE COMMISSION OF INQUIRY
FOR INQUIRY INTO THE ALLEGED DISAPPEARANCE OF
NETAJI SUBHAS CHANDRA BOSE.
'B' Block, (Third Floor)
11/A Mirza Ghalib Street, Calcutta 700 087

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Phone:

Chairman -- 252-2835
Secretary -- 252-2767
Officer on
Special Duty -- 252-2765
Office -- 252-2766/68

D.O.No. JMCI/Doc(For)/99-2000/56(Vol.II)/208(61)

Calcutta, dated, July 9 2001

From
Sri P.K. Sengupta, Secretary

To
Shri Jarnail Singh
Joint Secretary
Prime Minister's Office
North Block
New Delhi 110 001

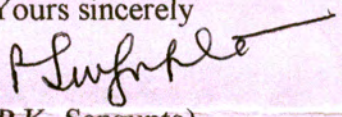
Dear Sir,

I am directed to inform you that the Commission will be visiting London from 17.07.2001 to study the declassified documents/records relating to Netaji Subhas Chandra Bose at the British Library in London and at other relevant Libraries/Archives/Offices which might come to the notice of the Commission as also to record evidence of persons having knowledge and/or possessing documents relating to the terms of reference of the Commission including Lord Peter Archer and Col. Hugh Toye. The address of the Commission in London will be -

Crowne Plaza London
St. James Hotel & Suites
Buckingham Gate, London SW1E 6AF

Phone No. 020 7834 6655
Fax No. 020 7828 5909

Yours sincerely


(P.K. Sengupta)
Secretary

16/7
17/7
16/7
17/7
16/7

JUSTICE MUKHERJEE COMMISSION OF INQUIRY

FOR INQUIRY INTO THE ALLEGED DISAPPEARANCE OF

NETAJI SUBHAS CHANDRA BOSE.

'B' Block, (Third Floor)

11/A Mirza Ghalib Street, Calcutta 700 087

Phone:

Chairman - 252-2835
Secretary - 252-2767
Officer on
Special Duty - 252-2765
Office - 252-2766/68

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No. JMCI/Com/2000-2001/51-II/203(61)

S.No 38

Calcutta, dated, the 9th July 2001
Under Certificate of Posting

From:

Shri N.K. Panja, WBHJS (Retd)

(Ex-District & Sessions Judge)

Commissioner

NOTICE


The undersigned hereby gives notice to all concerned for their information and necessary action that he has been appointed Commissioner by the Commission for recording deposition of

- | | | |
|----|--------------------------|--|
| a. | Shri Asoke Tandon | S/o. Shri N.C. Tandon, 8 MIG Lakhnpuri Colony, Amaniganj City, Dist. Faizabad, U.P. 224 121 |
| b. | Shri Durga Prasad Pandey | Narharia near Shivala, P.O. Purani Basti, Dist. Basti, U.P., 272002 |
| c. | Ma-Jagadambe | Swargadara, Ayodhya, Dist. Faizabad, U.P. 224 123 |
| d. | Dr. R.P. Misra, | Surgeon (Retd.), Jharkhandi, Faizabad, U.P. 224 123 |
| e. | The District Magistrate, | Faizabad, U.P. 224 001 |
| f. | Bhandari Baba, | Cantonment Area Mandir, Sitapur, U.P. 261 001 |
| g. | Shri Raj Kumar Shukla | Near Sadar Hospital, Purani Basti, Dist., Basti, U.P. 272 002 |
| h. | Dr. P. Banerjee, | near Jingle Bell School, Faizabad, P.O. & Dist. Faizabad 224 001 |
| i. | Shri Gur Basant Singh, | R.T.O. (Retd.), 'Ram Bhavan'. Civil Lines, Faizabad 224 001 |
| j. | Shri Shakti Singh | President, Subhas Chandra Bose Rastriya Vidya Manch, Central Office, Ram Bhavan, Civil Lines, Faizabad, U.P. 224 001 |
| k. | Col. Amar Bahadur Singh | 122 Civil Lines. Bareilly, P.O. & Dist. Bareilly 243 001 |

The undersigned has accordingly fixed 08.08.2001 (Wednesday), 09.08.01 (Thursday), 10.08.01 (Friday), 13.08.01 (Monday), 14.08.01 (Tuesday) and 16.08.01 (Thursday) for recording their deposition as per programme below :

- | | | | | |
|------|----------|---|--------------------------------------|-------------------------------------|
| i. | 08.08.01 | : | (a) Shri Asoke Tandon | (b) Shri Durga Prasad Pandey |
| ii. | 09.08.01 | : | (a) Ma-Jagadambe | (b) Dr. R.P. Misra, Surgeon (Retd.) |
| iii. | 10.08.01 | : | (a) The Dist. Magistrate, Faizabad | (b) Bhandari Baba |
| iv. | 13.08.01 | : | (a) Shri Raj Kumar Shukla | (b) Dr. P. Banerjee |
| v. | 14.08.01 | : | (a) Shri Gur Basant Singh RTO(Retd.) | (b) Shri Shakti Singh |
| vi. | 16.08.01 | : | (a) Col. Amar Bahadur Singh | |

The witnesses will be examined in the Circuit House, Faizabad at or about 11.00 A.M. on the above mentioned dates as per programme above. If recording of evidence of any of the aforesaid witnesses is not completed on the scheduled date the recording will be resumed on the next date at 11.00 A.M.


(N.K. Panja)
Commissioner

To

Per 16/7

Am
17/7
P-111

us (Pde)

Am

S.NO 39

244
Not Immediate

PRIME MINISTER'S OFFICE

Subject: **Filing of Supplementary Affidavit to the Justice Mukherjee Commission of Inquiry.**

Reference is invited to Deptt. of Legal Affairs u.o. note No.21386/01 dated 28.6.2001 on the subject noted above.

As per the advice of D/o Legal Affairs our counsel in the Justice Mukherjee Commission has been consulted. Copy of reply received from our counsel is enclosed for ready reference.

Amendments suggested by our counsel as well as by the D/o Legal Affairs have been incorporated in the revised draft. However, the necessity of including of para 3 & 4 of Counsel's letter in the draft Affidavit may be examined as it is felt that Commission's letter dated 1.6.2001 in pursuance of which the Affidavit is being filed, may not warrant making such a statement. Moreover, all the files/documents referred to in para 3 of Counsel's letter do not pertain to PMO. as per

It is requested that D/o Legal Affairs while vetting the draft Affidavit may also kindly advise this office about the propriety of inclusion of para 3 & 4 of counsel's letter in the draft Affidavit.

with enclosure
P-III

Rohit Khera
(Rohit Khera)
OSD(PMO)

**Shri P.K. Malhotra,
Additional Legal Adviser,
Department of Legal Affairs.**

PMO U.O. No. 915/11/C/2/2000-Pol

dated July 18, 2001

18/7

विधि मंत्रालय में सूचित हुआ
Notes in the Ministry of Law
विधि कार्य विभाग
Department of Legal Affairs
सहाय (ब) अनुभाग
Advice (B) Section
5.15040

245

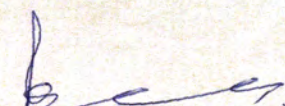
Ministry of Law, Justice & Company Affairs
DEPARTMENT OF LEGAL AFFAIRS

Dy. No. 21569/01(B)

We have seen the format of the draft affidavit received with the U.O. No. 915/11/C/2/2000-Pol dated 18.7.2001 of the Prime Minister's Office. It appears to be formally in order.

2. With regard to necessity of including para 3 & 4 of Counsel's letter dated 10.7.2001, we are not in a position to express any view in the absence of relevant proceedings of Justice Mukherjee Commission.

3. It appears that the Senior Counsel to the Government of India in Justice Mukherjee Commission has desired a conference with an officer of the Department. The issue may be sorted out with the Counsel during the conference.


(P.K. MALHOTRA)
Additional Legal Adviser
20.07.2001

Prime Minister's Office
Kind Attn: Rohit Khara OSD(PMO)

(विधि कार्य विभाग)
(Deptt. of Legal Affairs)
सं. नं. 21569/01 (ब)
Dy. No. 21569/01 Adv. (B)
दिनांक 20/7/01

20/7/01

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The
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5/08/01/6/6/00
24/7

246
Most Immediate

PRIME MINISTER'S OFFICE

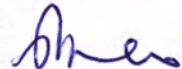
Subject: **Filing of Supplementary Affidavit to the Justice Mukherjee Commission of Inquiry.**

Reference is invited to Deptt. of Legal Affairs u.o. note No.21386/01 dated 28.6.2001 on the subject noted above.

As per the advice of D/o Legal Affairs our counsel in the Justice Mukherjee Commission has been consulted. Copy of reply received from our counsel is enclosed for ready reference.

Amendments suggested by our counsel as well as by the D/o Legal Affairs have been incorporated in the revised draft. However, the necessity of including of para 3 & 4 of Counsel's letter in the draft Affidavit may be examined as it is felt that as per Commission's letter dated 1.6.2001, in pursuance of which the Affidavit is being filed, may not warrant making such a statement. Moreover, all the files/documents referred to in para 3 of Counsel's letter do not pertain to PMO.

It is requested that D/o Legal Affairs while vetting the draft Affidavit may also kindly advise this office about the propriety of inclusion of para 3 & 4 of counsel's letter in the draft Affidavit.


(Rohit Khara)
OSD(PMO)

Shri P.K. Malhotra,
Additional Legal Adviser,
Department of Legal Affairs.

PMO U.O. No. 915/11/C/2/2000-Pol

dated July 18, 2001

Recd at 1800 hrs.
PE. dialise.
Add PPs.
Re
18/7/2001

Adv. 'A'

(विधि कार्य विभाग)
(Dept. of Legal Affairs)
21569/01
19/7/01

registered
Post with A.D.

JUSTICE MUKHERJEE COMMISSION OF INQUIRY
FOR INQUIRY INTO THE ALLEGED DISAPPEARANCE OF
NETAJI SUBHAS CHANDRA BOSE.
'B' Block, (Third Floor)
11/A Mirza Ghalib Street, Calcutta 700 087

Phone:

Chairman -- 252-2835
Secretary -- 252-2767
Officer on
Special Duty -- 252-2765
Office -- 252-2766/68

247

48(Vol.III)/136

No. JMCI/ Meeting-Proceedings(Follow-Up)/ Calcutta, dated, the June 1, 2001.

From : Shri P.K. Sengupta,
Secretary

To : The Secretary,
Prime Minister's Office,
Government of India,
South Block,
New Delhi - 110001.

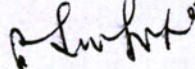
S i r,

I am directed to refer to the order/direction contained in para A(ii) of the proceedings dated 31.08.2000 of this Commission and to request you to arrange to file before it immediately an affidavit sworn by a competent Officer, not below the rank of Joint Secretary to the Government of India, on the following points :-

- (a) Whether any of the files/records relevant to the terms of reference of this Commission has been destroyed ;
- (b) If any such files/records have been destroyed -
 - (i) the details thereof ;
 - (ii) the reasons for such destruction ;
 - (iii) the date(s) when those were destroyed ;
 - (iv) the place where those were destroyed ;and (v) whether copies of the documents contained in those destroyed files/records have been kept or maintained and if not, the reasons therefor.

I am further directed to request you to send to the Commission an interim "Action taken report" in the matter within four weeks from the date of receipt of this letter.

Yours faithfully,



(P. K. Sengupta)
Secretary

Before the Honorable Justice Mukherjee Commission of Inquiry
at Calcutta.

In the matter of compliance with the orders/direction of the commission as passed in the proceeding held on 31.8.2000 and 28.9.2000 at Calcutta and Commission letter dated 1.6.2000.

AFFIDAVIT

I, Jarnail Singh son of Late Shri Dalip Singh, working as Joint Secretary in the Prime Minister's Office do solemnly affirm and state as under :-

- (i) That this office file No. 12(226)-56/PM and certain documents of another file No. 23(156)/51-PM of this office which might have same bearing with the terms of reference of the Commission have been destroyed.
- (ii) That this office file No. 12(226)-56-PM which contained agenda papers of Cabinet decision regarding "Investigation into the circumstances leading to the death of Shri Subhash Chandra Bose", as per the record maintained in this office, had been destroyed on 6.3.1972 in the course of routine review of old records. This weeding out was done according to the extant instructions which enjoin that only original Cabinet documents are to be kept permanently in the Cabinet Secretariat. The papers sent to other Ministries/Offices are copies of the original, which are maintained in the Cabinet Sectt. The papers in this office were also only copies. Photocopies of two notes relating to the destruction of the file are at Annex II & IIA respectively.
- (iii) (iv) That certain documents of file No. 23(156)/51-PM regarding "Disposal of properties of Indian National Army in the far East" had been destroyed while recording the file in 1969. The list of papers destroyed are available in the file and photo copy of the said file has been made available to the Commission/wide... ^{the} office
 Ltr NO 915/11/C/2/2000-Pol dt. 4.7.2000 by Smt Archana Ranjan, Director, Prime Minister's office.
- (iv) That xerox copies ^{of files} so sent to the Hon'ble Commission by
 Ltr NO 915/11/C/2/2000-Pol dt. 4.7.2000 and 25.7.2000
 are all true copies of the original files.

- (v) It is further certified that no copy of the file destroyed or documents destroyed as mentioned in (i) & (ii) above has been retained in this office ~~[because no such need was felt.]~~

Deponent

Verification

I, Jarnail Singh, based on the information derived from the record of this office declare and affirm that what is stated above is true. No part of the Affidavit is false and no material information has been concealed.

Verified at

New Delhi on July, 2001.

Deponent

ANNEXURE II

File No.	Subject.	Date of recording.
12(204)/56-PM	Ratification of the Treaty of Cession of the French Establishments of Pondicherry, Karikal, Mahe and Yanam.	12.4.1957.
12(205)/56-PM	National Film Board and Film Finance Corporation - Establishment of.	-do-
12(206)/56-PM	Construction of a Hotel in the Diplomatic Enclave by Ashoka Hotels Ltd.	<i>Carried over to 1957</i> -do-
12(209)/56-PM Vols. I & II.	Industrial Relations Bill, 1954.	-do-
12(210)/56-PM	National Book Trust - Establishment of an Autonomous.	-do-
12(211)/56-PM	Construction of a Central Conference Hall in New Delhi.	-do-
12(212)/56-PM	Law relating to Copyright-Legislation for amending and consolidating the -	-do-
12(215)/56-PM	Indian Citizenship Bill.	-do-
12(219)/56-PM	Monetary Reward to the workers of Sindhri Fertilizer Factory.	-do-
12(223)/56-PM	Coal Miners - New Housing Scheme for-	-do-
12(225)/56-PM	Indian Delegation to H.R.H. the Duke of Edinburgh's Conference on the social responsibility of Industry.	-do-
12(226)/56-PM	<u>Investigation into the circumstances leading to the death of Shri Subhash Chander Bose.</u>	-do-
12(229)/56-PM	Loan of Rs. 1.45 crores granted by the U.P. Govt. to M/S Sahu Jain Ltd. for a Soda Ash and Ammonium Chloride factory in U.P. - objection raised by the Central Govt. about the grant of -	-do-
12(230)/56-PM	Continuance of grants in-aid granted under article 278 of the Constitution to the Part 'B' states after the re-organisation of States.	-do-
12(231)/56-PM	<u>Provision for arbitration in disputes</u> Directorate General of Supplies and Disposals for purchase of stores.	-do-

29/11/2022

251
(151)

ANNEXURE II 2

These check what [unclear] on the subject [unclear] Political Section

MR. Khan

2272

277

The only files available in this Section, on the subject are placed below. There was another file bearing No. 12/226/56-Prs with the subject "Investigation into the circumstances leading to the death of Shri Subhas Chandra Bose" but this was destroyed on 6-3-92 during the process of shredding.

SSA - Vol. I & II of the file [unclear] contain papers [unclear]

Jayashree

29/11/2010

original available in FNO 2(64)/56-70PM Vol-II

Fi

Page - 1 of 2

Through Fax No.

011 - 301 - 6857

011 - 301 - 9545

From : Tarakeswar Pal,

Advocate

HIGH COURT CALCUTTA

Bar Association Room No. 5

Phones : 248-3190/3169

Fax : (033) 248-2313

E-mail : barasohc @cal.cmc.net.in

Residence

"Purnasasi"

33, Asoke Avenue,
Kolkata - 700 040

Phone : 471-0592 Fax : 471-1

Senior Counsel to the Govt. of
India in Justice Mukherjee
Commission.

July, 10, 2001

To
Shri Alok Mukhopadhyay,
Under Secretary (Pol),
Prime Minister's Office,
New Delhi - 110 001.

Dear Sir,

Re. : Settling of the draft Affidavit of Shri Jarnail
Singh, Joint Secretary, as per your letter No.
915/11/C/2/2000-Pol dated 9th July, 2001 received
by me on 9th July, 2001 by Fax.In reference to above the said Affidavit should
include as follows.

1. In Para (iv) which should be (iii) add at the last after
"available to the Commission" by letter/Office Memo No. _____
dated _____ by _____ of the Prime Minister's
Office. The xerox copies so sent to the Hon'ble Commission by letter
No. _____ dated _____ are all true copies of the
original file.

2. Delete "because no such need was felt" from the last
para of the draft Affidavit membered as (iv) which should be (v).

3. Add the following para :

"(vi) The xerox copies of the following files as sent to
the Hon'ble Commission vide letter No. _____ dated _____
by _____ of the Prime Minister's office are all true
and authentic copies of the said files, i.e.,

a) 23(156)/51-P.M.

b) 23(11)-56-57 P.M.

c) 249-INA.

d) 138-INA, and

e) 265-INA.

to not
belong to
p.m.o

(being items of the Para A (II) of the Proceeding dated
31st August, 2000 of the Hon'ble Commission)".

contd... 2

Page - 2 of 2

From : Tarakeswar Pal,

Advocate

HIGH COURT CALCUTTA

Bar Association Room No. 5

Phones : 248-3190/3169

Fax : (033) 248-2313

E-mail : barasohc@cal.cmc.net.in

Residence :

"Purnasasi"

33, Asoke Avenue, Kolkata-700 0

Phone : 471-0592 Fax : 471-120

Senior Counsel to the Govt. of India in
Justice Mukherjee Commission.

4. Add the following Para :

(vii) That except the Annexures II & IIA hereto and the files as mentioned in items (a) to (e) in the foregoing Paragraph No. (vi) the Prime Minister's Office has no record of file as has been asked for by the Hon'ble Commission by its proceedings dated 23rd March, 2000 ; 13th June, 2000 and 31st August, 2000 from the Prime Minister's Office. They are destroyed for

5. For the above, kindly consult the proceedings as mentioned along with my letter dated 6/12th April, 2001 addressed to Smt. Archana Ranjan, Director of your office and received by her office on 17th April, 2001.

6. For complete compliance of the order of the Hon'ble Commission a conference may be arranged and an officer may be sent to me here.

7. Be it mentioned that kindly do not specify any time limit in the matters of settling or investigation, as I generally, like others, remain pre-occupied as per requisition of the Hon'ble Court and hence without prior programme kindly do not specify such time. You know, the matters involved in the Affidavit are all old matters.

8. However by the way I inform hereby that my office Fax No. is 033-248-2313 and my residence Fax No. is 033-471-1204. Your Fax dated 9th July, 2001 has been received by me through my said office Fax No. 033-248-2313. But another Fax has been served by a private Commercial Firm having Fax No. 033-248-7589 for which they are claiming exorbitant money. I do not know how it has gone to them. Fax to 033-248-7589 ? kindly confirm. If not, I guess, there is some tapping affair which should be complained to the proper authority. Kindly confirm mentioning time of Faxes(?).

Thanking you,

Yours faithfully,

Tarakeswar Pal

(TARAKESWAR PAL)
ADVOCATE.

254

41/2

By Speed Post

No.915/11/C/2/2000-Pol Vol.III
PRIME MINISTER'S OFFICE

New Delhi, the 27th July, 2001

To

**The Secretary,
Justice Mukherjee Commission of Inquiry,
'B' Block, (3rd Floor)
11/A, Mirza Ghalib Street,
Kolkata-700 087**

Sir,

The undersigned is directed to refer to the Commission's letter No.JMCI/Meeting -Proceedings (follow-up)/48(Vol.III)/136 dated 1.6.2001 for filing an affidavit sworn by an officer not below the rank of Joint Secretary to the Govt. of India regarding destruction of documents pertaining to this office.

In pursuance of the aforesaid letter an Affidavit, duly signed by Shri Jarnail Singh, Joint Secretary to the Prime Minister and verified by the Notary is sent herewith for record/perusal of the Commission.

Your faithfully,


[Alok Mukhopadhyay]
Under Secretary

N.O.O.

Copy for information to:

Shri Tarkeshwar Pal,
Senior Counsel to the Govt. of India in
Justice Mukherjee Commission,
Bar Association, Room No.5,
Kolkata High Court
Kolkata - 700069.

27/7
Pol Sec

2 (WS)
27-7-01

p 12/11

255

BEFORE THE HONORABLE JUSTICE
MUKHERJEE COMMISSION OF INQUIRY AT
[KOLKATA]

IN THE MATTER OF COMPLIANCE WITH THE
ORDERS/ DIRECTIONS OF THE COMMISSION AS
PASSED IN THE PROCEEDINGS HELD ON 31.8.2000 and
28.9.2000 AT KOLKATA AND COMMISSION'S LETTER
DATED 1.6.2000.

AFFIDAVIT

I, Jarnail Singh son of Late Shri Dalip Singh, working
as Joint Secretary in the Prime Minister's Office do solemnly affirm
and state as under :-

(i) That this office file No. 12(226)-56/PM and certain
documents of another file No. 23(156)/51-PM of this
office which might have some bearing with the terms of
reference of the Commission have been destroyed.

(ii) That this office file No. 12(226)-56-PM which
contained agenda papers of Cabinet decision regarding
"Investigation into the circumstances leading to the
death of Shri Subhash Chandra Bose", as per the
record maintained in this office, had been destroyed on
6.3.1972 in the course of routine review of old records.
This weeding out was done according to the extant
instructions which enjoin that only original Cabinet
documents are to be kept permanently in the Cabinet
Secretariat. The papers sent to other Ministries/Offices
are copies of the original, which are maintained in the
Cabinet Sectt. The papers in this office were also only
copies. Photocopies of two notes relating to the
destruction of the file are at Annex II & IIA respectively.



(iii)

That certain documents of file No. 23(156)/51-PM
regarding "Disposal of properties of Indian National
Army in the far East" had been destroyed while
recording the file in 1969. The list of papers destroyed
are available in the file and photo copy of the said file
has been made available to the Commission vide this

.....2/-



Jarnail Singh

256
office letter No.915/11/C/2/2000-Pol dated 4.7.2000 –
Pol by Smt. Archana Ranjan , Director , Prime
Minister's Office.

- (iv) The Xerox copies of files so sent to the Hon'ble
Commission by letter No.915/11/C/2/2000 Pol dated
4.7.2000 and 25.7.2000 are all true copies of the original
files.
- (v) It is further certified that no copy of the file destroyed or
documents destroyed as mentioned in (i), (ii) & (iii)
above has been retained in this office.

Jarnail Singh
Deponent

Verification

I, Jarnail Singh, based on the information derived from
the record of this office declare and affirm that what is stated above is
true. No part of the Affidavit is false and no material information has
been concealed.

Verified at

New Delhi on 27th July, 2001.

Jarnail Singh



ATTESTED
[Signature]
NOTARY PUBLIC
NEW DELHI

765/97
K. K. KAUB
Advocate/Notary
Parliament Street Court
New Delhi

27 JUL 2001

File No.	Subject.	Date of recording.
12(204)/56-PM	Ratification of the Treaty of Cession of the French Establishments of Pondicherry, Karikal, Mahe and Yanam.	Destroyed on 18.1.71. 12.4.1957.
12(205)/56-PM	National Film Board and Film Finance Corporation - Establishment of.	-do-
12(206)/56-PM	Construction of a Hotel in the Diplomatic Enclave by Ashoka Hotels Ltd.	Carried over to 1957. -do-
12(209)/56-PM Vols. I & II.	Industrial Relations Bill, 1954.	Destroyed vol. I on 8.10.71. -do-
12(210)/56-PM	National Book Trust - Establishment of an Autonomous.	Destroyed on 18.12.71. -do-
12(211)/56-PM	Construction of a Central Conference Hall in New Delhi.	Recorded - C-345 RR J-do-
12(212)/56-PM	Law relating to Copyright-Legislation for amending and consolidating the -	Destroyed on 21.1.72. -do-
12(215)/56-PM	Indian Citizenship Bill.	Destroyed on 8.10.71. -do-
12(219)/56-PM	Monetary Reward to the workers of Sindhri Fertilizer Factory.	-do-
12(223)/56-PM	Coal Miners - New Housing Scheme for-	Destroyed on 21.10.71. RR J-do-
12(225)/56-PM	Indian Delegation to H.R.H. the Duke of Edinburgh's Conference on the social responsibility of Industry.	Destroyed on 8.10.71. RR J-do-
12(226)/56-PM	Investigation into the circumstances leading to the death of Shri Subhash Chander Bose.	Destroyed on 6.5.72. -do-
12(229)/56-PM	Loan of Rs. 1.45 crores granted by the U.P. Govt. to M/S Sahu Jain Ltd. for a Soda Ash and Ammonium Chloride factory in U.P. - objection raised by the Central Govt. about the grant of -	Recorded - C-345 RR J 16/11/71 -do-
12(230)/56-PM	Continuance of grants in-aid granted under article 278 of the Constitution to the Part 'B' states after the re-organisation of States.	Destroyed on 8.10.71. -do-
12(231)/56-PM	Provision for arbitration in disputes arising out of contracts placed by the Directorate General of Supplies and Disposals for purchase of stores.	Recorded on 8.10.71. RR J 16/11/71 -do-



Samad Singh

Please check what files
on the subject there are in
Political Section

S.P. Khanna

27.72

1/377 all

PM

The only files available in
this Section, on the subject, are placed
below. There was another file bearing
No. 12/226/56-Pm with the subject "
Investigation into the circumstances leading
to the death of Shri Sukhdev Chandra Bose"
but this was destroyed on 6-3-72 during
the process of accessioning

SSA
6/7

(Vol. I + II only of the file placed below contain
papers pertaining to Panditji's time)

handed
6.7.72

SSA

Thanks.

10.7.72 S.P. Khanna



Jannar Singh

F. No. 2 (64) 156-70 PM vol. V

259

Regd. with A/D.

SECRET



From: Tarakeswar Pal

Advocate
HIGH COURT CALCUTTA
Bar Association Room No. 5
Phones : 248-3190/3169
Fax : (033) 248-2313
E.mail : barasohc @cal.cmc.net.in
Residence :

"Purnasasi",
33, Asoke Avenue, Calcutta-700 040
Tele: 471-0592
Fax: 471-1204.

Senior Standing Counsel to the Govt.
of India in Justice Mukherjee Commi-
ssion for Inquiry Into the Alleged
Disappearance of Netaji Subhas
Chandra Bose.

August 1, 2001.

To
Smt. Sangita Gairola,
Joint Secretary (IS-D),
Ministry of Home Affairs,
Government of India,
North Block,
New Delhi- 110 001.

Dear Madam,

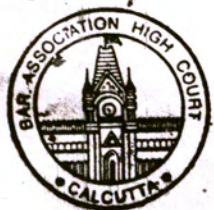
Re: Written advice including advice on evidence in
respect of Averments/Contentions/Allegations of
the deponent Sri Usha Ranjan Bhattacharjee in
his Affidavit dated 5th March, 2000 concerning
Govt. of India.

A N D

Your letter No. 1/12014/10/2001-IS(D.III)
dated 4th July, 2001.

With the voluminous Affidavit, failing to cope with your
request, I, amidst ~~hurry~~ making myself ready for hearings of the
Hon'ble Justice Mukherjee Commission at Faizabad, may put the
above advice on the said Affidavit as follows :-

Contd..2/p.



- 2 -

260

Advocate
HIGH COURT CALCUTTA
Bar Association Room No.
Phones : 248-3190/3169
Fax : (033) 248-2313
E.mail : barasohc @ cal cmc. net. in
Residence :

1.. The case of the said Deponent is as follows :-

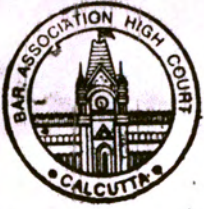
(a) That the Netaji was apprehended on 13th August, 1945 at Singapore by CSDIC (Combined Services Detailed Intelligence (Interrogation) Centre- Intelligence Centres of the British (under MI-3 of the British Government) in Eastern/Far Eastern Front) people under the machination of their agents in the Indian National Army (INA) Azad Hind Fauz, in particular S.A. Ayer and General Kiwani with some other sides in the INA.

(b) That the Netaji along with Habib-ur-Rahman was forcibly placed in a CSIDC requisitioned conquered Japanese Bomber aircraft along with Japanese Pilot Wono Gaki and Japanese Crew members with Tommy soldiers as guards and the air craft left Singapore on the 14th August, 1945 at 09.00 hours.

(c) That the said aircraft flew via Rangoon and entered the British Indian Territory and touched-down for refuelling at Indian airports at Lalutikor, Rupsi, Patna and arrived at Delhi airport just at sun set (at about 18.10 hours) at a remote corner of the aerodrome (which was under military control and civilian aircraft had no role) under tight security.

(d) That the Netaji and Habib-ur-Rahman were taken out of the said Bomber and were placed in a closed Military Police van, and were taken to Red Fort.

Contd...3/p.



261

Advocate
HIGH COURT CALCUTTA
Bar Association Room No.
Phones : 248-3190/3169
Fax : (033) 248-2313
E.mail : barasohb @cal cmc. net. in
Residence :

- 3 -

(e) That the Red Fort was converted as JNA Prisoners' Concentration Camp since 1943 (many barracks in Red Fort were constructed hurriedly at that time) with the JNA people arrested in India when they came to India to inform the people of India of the JNA and gradually with other JNA Prisoners, by June, 1945 there were over twenty-five thousand JNA soldiers in captivity in Red Fort under so strictest possible security that no Indian could even guess of JNA soldiers' captivity there but Gandhiji and Jawharlal Nehru of whom Gandhiji frequently visited the said captive soldiers to tame and advised the British to demobilise them and to send them to their Villages.

^ handcuffed

(f) That the Netaji and Habib-ur-Rahman were kept and/or captivated in a secluded strong room cell, handcuffed-

(g) That in the fog end of night of 14th August, the British War Secretary Philip Mason with another senior executive and a senior high ranking British soldier (with a revolver tied in a holster hanging loosely on his waist) entered the cell of the Netaji and Habib-ur-Rahman where the Netaji was sitting in a chair with Habib-ur-Rahman standing and Philip Mason argued the Netaji to influence him to neutralise -



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- 4 -

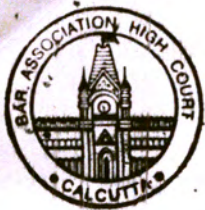
which failed. Philip Mason and the British Executive went back and then it stroke midnight in the Red Fort belfry and then the said British soldier took out his silencer-fitted revolver, came forward and stood in front of the Netaji, raised the revolver on the forehead of the handcuffed Netaji (Habib-ur-Rahman said: "What you are doing - W-H-A-T) and seeing the wrist watch, the said soldier fired point blank. The sound was like a coughing noise. The Netaji made painful voice: Ah as Habib heard.

(h) That the dead body of the Netaji was burnt to ashes in the Red Fort and the said ashes was buried in the Red Fort soil on 16th August, 1945.

(i) That after murder of the Netaji, Habib-ur-Rahman was taken to Taihoku (as Habib choose between death and life) and the story of plane crash, cremation of the Netaji's remains at Taihoku on August, 20, 1945, the ashes taken by Habib-ur-Rahman to Tokyo some weeks later, observation of funeral rites at Renkoj Temple on 14th September, 1945 and keeping ~~as~~ of ashes at the said Temple were planted.

(j) That the circumstances leading to the murder of the Netaji are as follows : 1) Fall of Burma on 10th August, 1945 (after defeats of the Japanese military might on attacks by

Contd..



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- 5 -

Allied forces between 9th March, 1945 and 9th August, 1945).
(ii) Acceptance of terms of surrender by the Emperor of Japan on 14th August, 1945 (which was signed on 2nd September, 1945) and surrender documents of Germany and Italy were signed on 7th May, 1945). (iii) In fact, on 14th August, 1945 entire Japan and the Pacific Islands and other lands came under the control of General Mc Arthur as absolute ruler of Japan. (Emperor of Japan's recorded voice of surrender was broadcast from all Radio stations in Japan on 15th August, 1945): (iii) With defeats in war front Japan was running short in fuel reserve and war materials also. (iv) Japan's request to ^{^ Stalin} ~~Stalin~~ for negotiation with U.S.A. was refused. Potsdam conference held on 13th day of July, 1945. (v) On 6th and 9th August, 1945 atom bombs were exploded on Hiroshima and Nagasaki. Japanese Emperor was adamant to surrender. Hence Japan cannot, nor she had authority, power and ability to help Netaji to fly in a bomber from Singapore on 18th August, 1945 leading to crash at Taihoku.

(k) The circumstantial aftermath the murder of the Netaji is manifest in the following events amongst others :
(1) Murder of the Netaji was not made public, but it was known

Contd..



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- 6 -

to Gandhiji and Jawaharlal Nehru whose speeches on and after 20th August, 1945 show changes in ^{their} attitude towards the Netaji to gain political mileage. (ii) The British imperialists were also making propaganda to neutralise Netaji's influence by making motivated and qualifying estimation of the NETAJI, vis-a-vis were ~~making~~ backing Gandhi - Nehru Cult of the Congress. (iii) Nehru's address on 15th August, 1947 at Red Fort commenting on the Netaji and using Netaji's slogans. (iv) Motivated treatments of INA prisoners, and episode of INA Trial with a view to wipe out the Netaji's influence. (v) Nehru and Mountbatten's visit to INA memorial in March, 1946 at Singapore and Mountbatten's arrogant behaviour to the Memorial vis-a-vis Gandhi-Nehru's acceptance of Indian Dominion with Mountbatten as Governor General and Jinnah's refusal of such ~~Governor~~ ^{Gouverneur} General for Pakistani Dominion. (vi) Un-official commission, Shah Nawaz Committee's limited authority and its failure to visit ~~Nawaz~~ Taihoku and cross-examine people there. Nehru was compelled to set up the committee, but, he did not like it, (vii) Justice Khosla Commission's proceedings show that the Taihoku plane crash story was completely a transplanted drama suggesting that the episode of plane crash was woven to divert the people from the truth: the murder of the Netaji in Red Fort at Delhi.

Contd.



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2. Apart from referring to his book in English titled, "Netaji was murdered in Red Fort (1990)", the deponent referred to the secret documents of the CSDIC (Combined Services Detailed Intelligence Centres of the British Force) but the said Centre was closed after the Netaji's murder and the British took all these documents to London - which may be procured from the Government of United Kingdom.

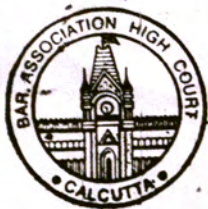
3. In view of above the Government of India, in my considered opinion has nothing to join save and except the duty to search out any records or documents relating to as following, which may be relevant, and if found, to place before the Hon'ble Justice Mukherjee Commission by Affidavit and if not that also to submit by Affidavit:

(a) CSDIC documents with the Government of United Kingdom.

(b) Construction of barracks in Red Fort in 1943 and after (it may relate to the civil Constructions division of the Ministry of Defence).

(c) Records in respect of refuelling of the Japanese bomber on 14th August, 1945 in the Airports at Salutikor, Rupsi and Patna (it may relate to the Ministry of Civil Aviation (in particular Airports Authority of India) and Ministry of Defence.

Contd..



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- 8 -

(d) Details of INA Prisoners in Red Fort as to visitors and detainees since 1943 upto their trial is over (it relates with the records of the Ministry of Defence).

(e) Records in respect of aircrafts landing at and flying from the Delhi Aerodrome during the days: 14th August, 1945 and 17th August, 1945 (it may relate with the records of the said Air - port Authority of India or Ministry of Defence).

(f) Log books or records relating to the Military Vehicles as were being used by the British Military during 14th August, 1945 and 17th August, 1945 in Delhi (it may relate to the Ministry of Defence).

(g) Existence of - strong room (or very secured) secluded Cell in Red Fort (from where no sound can be heard even by people within the Red Fort) (it may relate to constructions division or civil engineering division of the Ministry of Defence).

(h) Records relating to formation and proceedings of the Shah Nawaz Committee (it may relate to the Cabinet Secretariat, the Prime Minister's Office and Ministry of ^{External} ~~Foreign~~ Affairs - although some of the records as to proceeding have been placed before the Hon'ble Justice Mukherjee Commission).

Contd..



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- 9 -

- (i) Records relating to Justice Shah Commission (of your Ministry and the same have been placed).
- (j) Speeches by Gandhiji and Jawharlal Nehru since 1942 upto 15th August, 1947 (it may relate to your Ministry of Home Affairs).
- (k) Any intelligence or war reports on the status and activities of the Allied Forces and the Japanese during 9th March, 1945 and 2nd September, 1945 in the areas of Japan and under Japan and the Pacific Islands (it may relate to the Ministry of Defence).
- (l) Accounts of visits of Jawharlal Nehru and Moutab^{AM}tten to Singapore during 1945 to 1947 (it may relate to the Ministry of Home Affairs and also Ministry of External Affairs).

A general Affidavit denying or accepting the Affidavit in question should be made earlier than taking steps for records etc.

With the above may I conclude my advice here and am returning the said Affidavit of Sri Usha Ranjan Bhattacharya *hmm*

Thanking you,

Enclard : As stated above.

Yours faithfully,

Sd/- T. Pal

Advocate

contd... p/10

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- 10 -

Copies to : By Regd. Post with A/D,

1. Sri Falguni Rajkumar, Joint Secretary (Trg.) & CAO, Ministry of Defence, Govt. of India, South Block, New Delhi - 110001 - with request to take steps for filing Affidavit in the matters of items (a), (b), (c), (d), (e), (f), (g) and (k) of Paragraph No. 3 above.
2. Sri Jayanta Prasad, Joint Secretary, Ministry of External Affairs, Govt. of India, South Block, New Delhi - 110001 - with request to take steps for filing Affidavit in the matters of items (a), (h) and (l) of Paragraph No. 3 above.
3. The Secretary, Ministry of Civil Aviation, Govt. of India, Rajib Gandhi Bhawan, Safdarjung Airport, New Delhi - with request to take steps for filing Affidavit in the matters of items, (c), (e) and (h) of the Paragraph No. 3 above.
4. Sri Jarnail Singh, Joint Secretary, P.M.O., Government of India, South Block, New Delhi - 110001, with request to take steps for filing Affidavit in the matters of item (h) of Paragraph No. 3 above.
5. The Secretary, Cabinet Secretariat, Govt. of India, South Block, New Delhi - 110001, with request to take steps for filing Affidavit in the matters of item (h) of Paragraph No. 3 above.

Tarakeswar Pal
(Tarakeswar Pal)
Advocate.

urgent
Pl. discuss
by/a
du (P)
VS (NGO) 9/8
VS (Poe)

1 269

From: Tarakeswar Pal

Advocate

HIGH COURT CALCUTTA

Bar Association Room No.5

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Residence :

' Purnasasi'

33, Asoke Avenue Kolkata-700040

Ph. 471-0592; Fax-471-1204

Senior Standing Counsel to the Gov.
t of India in the Justice Mukherjee
Commission of Inquiry To
Inquire Into The Alleged Disappear-
-ance of Netaji Subhas Chandra Bose
August, 2, 2001.

Regd. with A/d.

To
Smt. Sangita Gairola,
Joint Secretary (ISI)
Ministry of Home Affairs
North Block
New Delhi-110001.

Dear Madam,

Re: Written advice including advice on evidence
as to the averments/Contentions/Allegations made
in the Affidavit by 1) Subrata Bose, 2) Smt.
Chitra Ghosh and 3) Sri Supriyo Bose, before the
Hon'ble Justice Mukherjee Commission

-And

Your Letter No.1/12014/10/2001-IS(D. III)
dated 4th July, 2001.

The case of the deponents (nephew, niece and grand nephew of the Netaji)
for themselves and for seven others (who are nieces, nephew and grand nephew of
the Netaji) in the said Affidavit are as follows :-

1. That the Netaji did not die in the alleged plane crash at Taihoku on 18th
August, 1945, and therefore the ashes kept at Renkoji Temple cannot be that
of the Netaji's. This belief is/was shared by all the members of the family and
brothers of Netaji. Late Satish Chandra Bose and Late Sarat Chandra Bose (eminent
political leaders) and brothers of the Netaji vented such belief out in state-
ments in several political meetings and rallies.

2. That the finding of the Shah Nawaz Committee was qualified with dissentient
report of Shri Suresh Chandra Bose (with the points that the committee did not
visit Taihoku and there are several anomalies in evidence).

3. The deponents referred to the following :-

a) The dissentient report of Shri Suresh Chandra Bose one of the members
of the Shah Nawaz Committee. (This report has been submitted with the
affidavit but the copy of same has not been supplied with the affidavit, although
the said original report is with the records of Shah Nawaz Committee
which have been produced before the Hon'ble Justice Mukherjee Commission)

b) The seventy five page report dated 31st December 1945 of the Combined
Services Detailed Interrogation centre under MI-3 of the British Government
as to interrogation of Colonel Habibur Rahman's evidence signed by one Captain
Biren Chakraborty and counter signed by one Colonel Stevenson (This record
relates with the Ministry of Defence, Government of India)

c) A book titled, "Unto Him A Witness" by Shri S.A. Iyer to show anomalies in
publishing the news of death of the Netaji. (This may be matters of your
Ministry and also Ministry of Defence).

d) About 9000 (nine thousand) files of the Defence Ministry lying with the
National Archives of India. (National Archives of India has already submitted





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in this regard, before the Hon'ble Commission).

- 5) The deponents have submitted for finding the following records to deliver before the Hon'ble Commission for consideration.
- a) The relevant records (without specification), in the Prime Minister's office during Jawarhar Lal Nehru.
 - b) The relevant records (without specification) of the Government of the U.K. U.S.A. France, C. I. S., Germany, China, Japan and Vietnam and other relevant countries.
 - 6) In view of above the P.M.O., the Ministry of Defence and the National Archives of India should submit affidavits stating the facts as to the said records. Before that a general affidavit on your behalf should be filed denying or accepting or otherwise. The said Affidavit of Subrata Bose and others is returned herewith).

Thanking you,

Yours faithfully,
Sd/- T. Pal
 (Tarakeswar Pal)
Advocate

Enclo: As stated above.

- copy to : By Regd. post with A/D.
- 1. Sri Falgunia Rajkumar, Joint Secretary(Trg).& CAO, Ministry of Defence, Govt.of India, South Block New Delhi-110001.
-for taking steps to file affidavit in the matters of paragraph no.4 above.
 - 2. The Director, National Archives of India Janpath, New Delhi.
-for filing affidavit in respect of item (d) of paragraph no.4 above.
 - 3. Sri Jayanta Prasad, Joint Secretary, Ministry of External Affairs, Govt.of India South Block, New Delhi-110001. for filing affidavits in the matters relating to items (b) of paragraph no.5 above.
 - 4. Sri Jamail Singh, Joint Secretary, P.M.O. South Block New Delhi-110001 for filing Affidavit in respect of items(a) of paragraph no.5 above.

प्र.मं.का. (एन.जी.ओ.)/PMO (NGO)
 डा. नं./Dy. No... 22.1.91 2.5.1...
 दिनांक/Date..... 1.1.91/1.1.91.....

Pl. discuss today
 2/9/8
 VST (NGO) 19/8
 vs. (Poe)

Tarakeswar Pal
 (Tarakeswar Pal)
Advocate.

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Through Fax [FAX NO.033-471-1204 / 033 - 248 - 2313]
PRIME MINISTER'S OFFICE

No. 915/11/C/2/2000-Pol

dated: 27th August, 2001

To,

Shri Tarkeswar Pal,
Senior Counsel to the Govt. of India,
in Justice Mukherjee Commission,
Bar Association, Room No. 5,
Calcutta High Court,
KOLKATA-700069.

Subject: 1) Written advice including advice on evidence in respect of
Averments/Contentions/Allegations of the deponent Sri Usha Ranjan
Bhattacharjee in his affidavit dated 5th march, 2000 concerning Govt. of
India.

2) Written advice including advice on evidence as to the
averments/Contentions/Allegations made in the Affidavit by 1) Subrata
Bose, 2) Smt. Chitra Ghosh and 3) Shri Supriyo Bose, before the
Hon'ble Justice Mukherjee Commission.

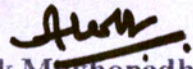
Sir

The undersigned is directed to refer to your above referred letters dated
1.8.2001 and 2.8.2001 and to state that this office has no additional information/new
inputs to furnish with regard to the paras 3(h) and 5 (a) of the above referred letters
respectively:

In view of non availability of any additional information/ material w.r.t. paras
3(h) and 5 (a) of your above referred letters this office may be informed by return FAX
whether we still need to file yet another Affidavit stating the above fact.

An early response will be very much appreciated.

Yours faithfully,


(Alok Mukhopadhyay)
Under Secretary (Pol)
Tel. No. 301 0976
FAX No. 301-6857
301-9545

TRANSMISSION VERIFICATION REPORT

LINE : 18/08/2001 17:47
NAME :
FAX :
TEL :

TRANSMISSION VERIFICATION REPORT

LINE : 28/08/2001 12:31
NAME :
FAX :
TEL :

PRIME MINISTER'S OFFICE

No. 915/11/C/2/2000-Pol

dated: 18th September, 2001

To,
Shri Tarkeswar Pal,
Senior Counsel to the Govt. of India,
in Justice Mukherjee Commission,
Bar Association, Room No. 5,
Calcutta High Court,
KOLKATA-700069.

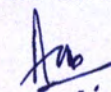
- Subject: 1) Written advice including advice on evidence in respect of
Averments/Contentions/Allegations of the deponent Sri Usha Ranjan
Bhattacharjee in his affidavit dated 5th march, 2000 concerning Govt. of
India.
- 2) Written advice including advice on evidence as to the
averments/Contentions/Allegations made in the Affidavit by 1) Subrata
Bose, 2) Smt. Chitra Ghosh and 3) Shri Supriyo Bose, before the
Hon'ble Justice Mukherjee Commission.

Sir,

The undersigned is directed to refer to this office letter of even number dated 27.8.2001 on the subject noted above and also to the subsequent telephonic conversation which we had on the same day.

2. It may be recalled that the undersigned had requested you to favour us with a draft Affidavit to be filed before the Justice Mukherjee Commission in respect of the issues mentioned in the above referred two letters. The promised draft Affidavit has not yet been received.
3. It is requested that the same may kindly be expedited.

Yours faithfully,


(Alok Mukhopadhyay)
Under Secretary (Pol)
Tel: 011-301-0976
FAX No. 011-301-6857
011-301-9545

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P-11

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